P58

Sectt. II-27—50,006—27-10-41.

Revenue (1942) Department.

ms SERIES.

G.O. No. 2122

Dated 22—9—1942

M

[Despatch Abstract.]

Land and Buildings - (Bellary) - Bellary town - Alipuram tank-Purchase from the Government of India - Letter from the Government of India - Communicated to the Board of Revenue.

Cantonments/Lands.

No. 842-L/D.4.

Government of India.

DEFENCE DEPARTMENT.

SIMLA, the 3rd May 1938.

To

The Secretary to the Government of Madras,
Revenue Department.

Disposal of military property at Bellary.

Sir,

With reference to your letter No. 421.D/33-50, dated the 10th December 1936, I am directed to forward a copy of letter No. 23519/145/M.L.C., dated the 7th April 1938, from the General Officer Commanding-in-Chief, Southern Command, together with the plans, in original, referred to therein. I am to express the hope that in view of what is stated in the Southern Command letter quoted above, the Madras Government will agree that the Alipuram Tank is not included in the property which was sold to them in 1922 for a sum of Rs. 25,000/-, but is still the property of the Government of India.

2. I am to enquire whether the Government of Madras wish to acquire the Alipuram Tank; if so, its market value should be intimated to this Department at an early date.

I am, Sir,
Your most obedient servant,

Colonel,
Director, Military Lands and Cantonments.

No. 842-L/1 (D.4).

Copy to:-

The General Officer Commanding-in-Chief, Southern Command.

The Deputy Director, Military Lands and Cantonments, Southern Command.

Copy of a letter No. 23519/145/M.L.C., dated the 7th April 1938, from the General Officer Commanding-in-Chief, Southern Command, Poona, to the Secretary to the Government of India, Defence Department, New Delhi.

.....

itary property
at Bellary.

With reference to Defence Department letter No. 3262-L/D.4, dated the 7th January 1937, I have the honour to forward herewith a part site plan (Annexure 'A') of the late Bellary Cantonment showing -

(i) the Alipuram Tank,
(ii) the Fort Ditch,
(iii) the land transferred to the Government of Madras situated in the Fort Ditch,
(iv) the Pumping Station and other plant in the Fort Ditch,
(v) a portion of the boundary to the West,

and to state that the contention of the Government of Madras contained in their letter No. 421-D/33-50, dated the 10th December 1936 that the Alipuram Tank was sold in 1922 to that Government for the sum of Rs. 25,000/- under the authority of these Head-quarters telegram No. 3519/mw/2/A, dated the 1st April 1922 appears to be incorrect.

The above telegram reads "your twelve nought six stroke forty four stroke Q seventeenth March. Madras Government offer Rs. twentyfive thousand water supply plant prisoners of war camp Bellary accepted by disposals Commissioner. Please forward sale report".

From the site plan it will be seen that from a water supply point of view there are two entirely separate properties at Bellary, viz.,

(1) the Alipuram Tank, and

(2) the Fort and Fort Ditch,

with connecting pipe line and pumping station and whereas in the latter there is a water supply plant, which together with 1.02 acres of land was transferred to the Jail Department of the Government

of.....

of Madras under G.O. No. 126 (Rev. Deptt) dated the 20th January 1931, there is no such plant in the former - the Alipuram Tank.

2. The presumption is therefore that only the water supply plant i.e. the pumping station situated to the North East of the Alipuram Tank and the pipe line connecting it with the well and pumping station near the Fort were purchased by the Madras Government for Rs. 25,000 as referred to in paragraph 1 above and that no land of any description was included in this transaction.

3. The Collector of Bellary in his letter D.Dis.No. 5024-37, dated the 15th December 1937, copy attached (Annexure 'B') states that all papers connected with the transfer of the Alipuram Tank under authority of G.O. No. 389-W, dated the 1st November 1922 are not available and appear to have been destroyed. A copy of G.O. No. 389-W, dated the 1st May 1922, attached (Annexure 'C') has however now been produced by the Government of Madras and this G.O. makes no reference to the transfer of the Alipuram Tank as stated by the Collector and merely approves of the purchase of the water supply plant for the Camp Jail Bellary. It therefore appears definitely established that the Alipuram Tank was not transferred to the Madras Government and is still the property of the Government of India.

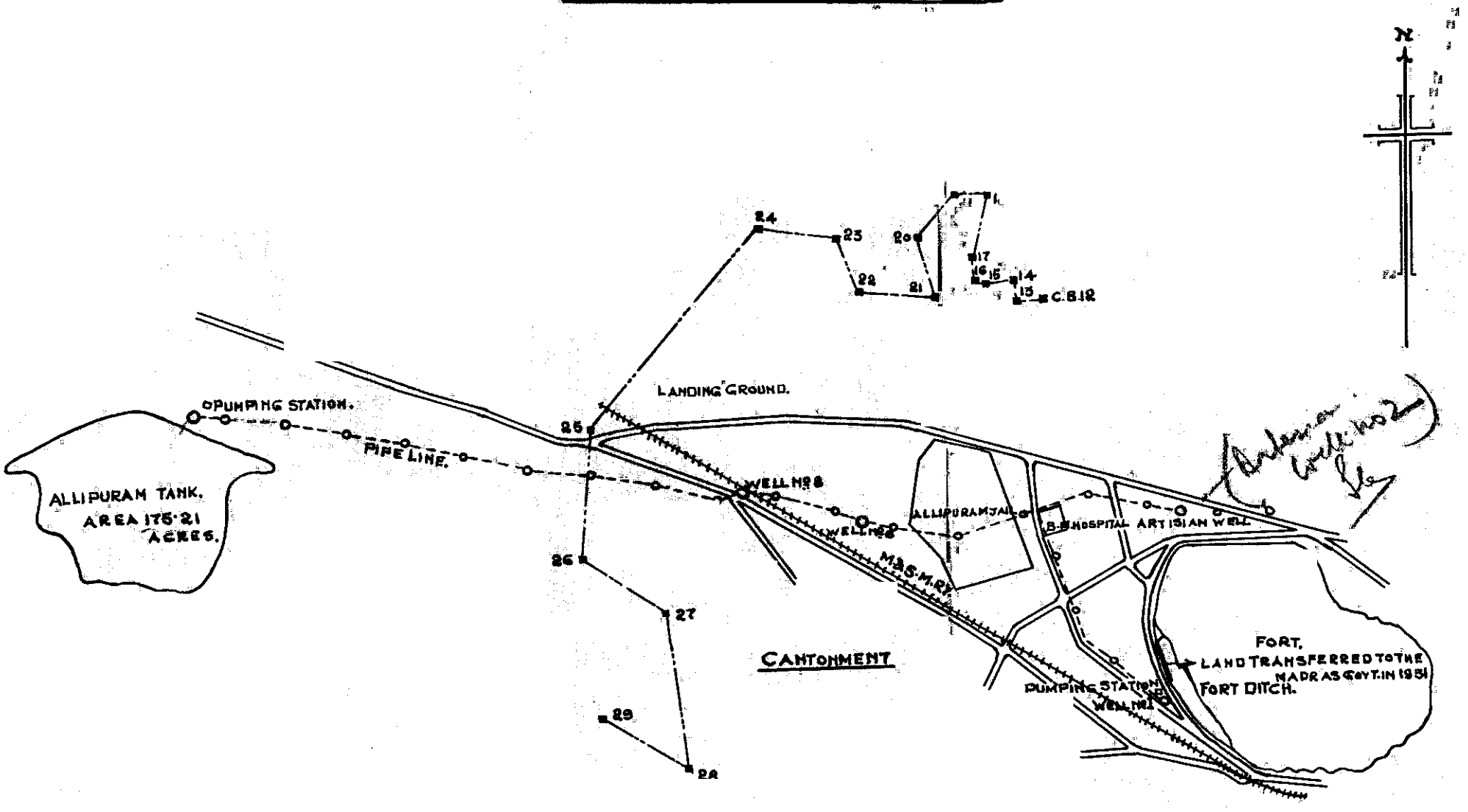
.....

7

7

PLAN SHOWING THE ALLIPURAM TANK IN RELATION TO THE FORT & THE FORT DITCH. BELLARY.

SCALE 2" TO A MILE (ENLARGED FROM S. OF I.1" MAP)



11/3/38

PLAN

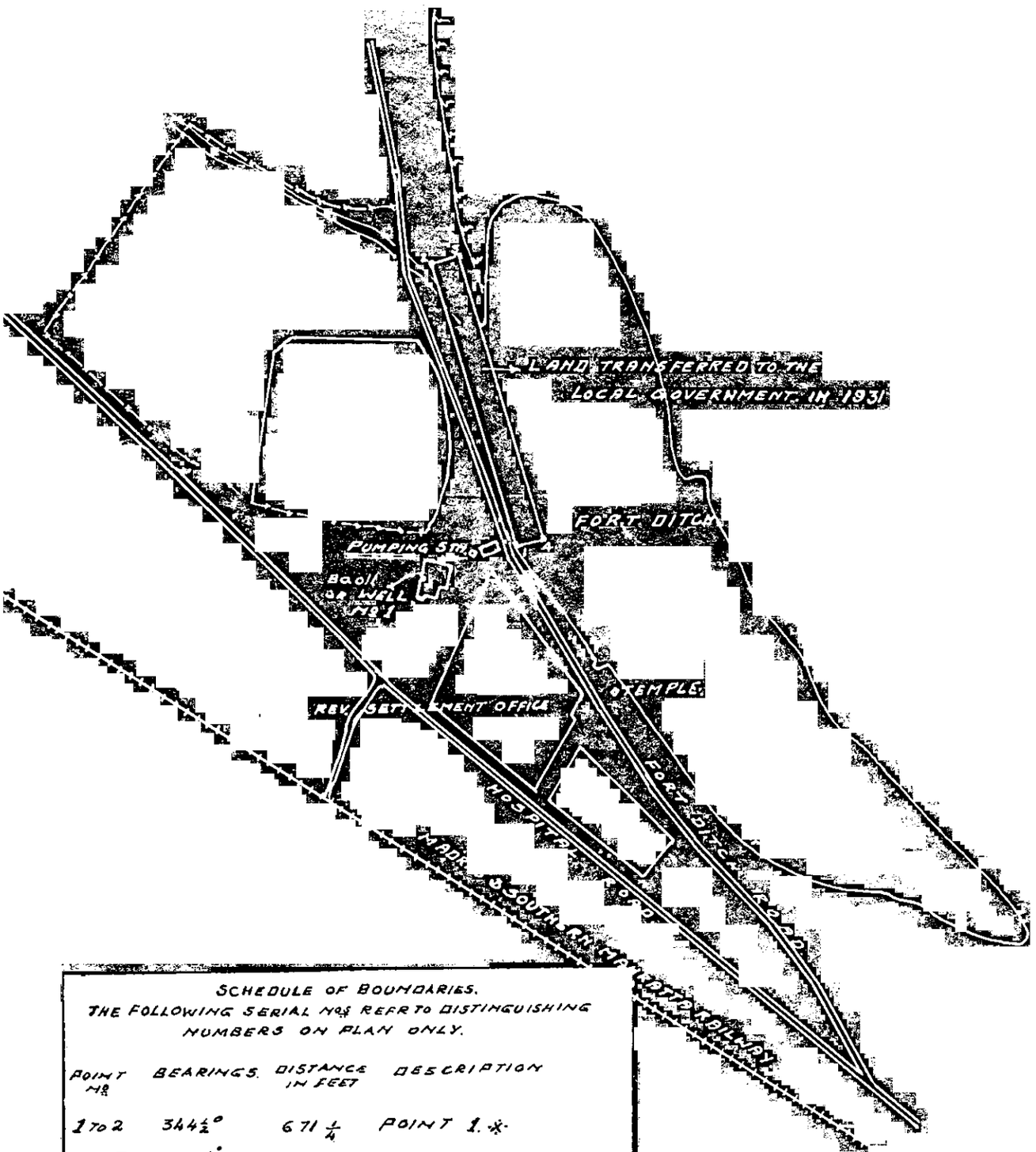
SHOWING THE LAND IN FORT DITCH (BELLARY) TRANSFERRED TO THE LOCAL GOVERNT. IN 1931

AREA 102 ACRES.

SCALE 16 TO A MILE.

REVENUE SURVEY No 522-1.

NOTE:- TRUE COPY FROM THE PLAN ATTACHED TO THE COMMITTEE PROCEEDINGS.



SCHEDULE OF BOUNDARIES.
THE FOLLOWING SERIAL NOS REFR TO DISTINGUISHING NUMBERS ON PLAN ONLY.

POINT NOS	BEARINGS.	DISTANCE IN FEET	DESCRIPTION
1 TO 2	344½°	671 ¼	POINT 1. ※
2 " 3	74½°	66	" 2. PEGGED.
3 " 4	164½°	671¼	" 3 "
4 " 1	-	66	" 4 NOT PEGGED AS IT FALLS IN THE WATER.

※ GRANITE BOUNDARY STONE MARKED B.F. 6"x6" IN SECTION & 12" ABOVE G.L. (THIS IS AN OLD STONE EVIDENTLY BELLARY FORT).

D/Rev 2698D
20.5.38

No. S / 16 / 291 / L. C.

Office of the Military Estates Officer,
Madras Circle,

Bangalore, Dated the 19th May 1938.

From

The Military Estates Officer,
Madras Circle, Bangalore.

To

The Superintendent,
Junior Certified School,
Bellary.

Disposal of Military Properties in Bellary.

Sir,

Reference your Dis.No.1297/38 dated the 18th May 1938.

2. I have the honour to state that you appear to be under a misapprehension. The records show that the pumping station at the Alipuram Tank was purchased by the Government of Madras in 1922 for Rs.25,000/-. The artesian well was never sold by the Military Authorities. In letter No.738 D/36-6 dated the 2nd November 1936 the Government of Madras have agreed that the artesian well No.2 is military property. Not only have the Madras Government never questioned the military ownership but have themselves entered it in the list of military property available for disposal.

3. If you have any further objections to make so through the Madras Government.

4. It will be appreciated as a matter of courtesy will please refrain in future from writing directly to private persons to whom the Government of India has so property, when the question at issue is the title of the Government of India.

5. I have told Mr. Ingle that the well is his. He has been put in possession of it by the Government of India.

I have the honour to be,
Sir,
Your most obedient servant,

Major,
Military Estates Officer,
Madras Circle.

Copy to:-

1. The Secretary to the Government of Madras,
Revenue Department, Fort St. George,
Madras.
Together with a copy of Dis. No. 1297/38 A/18-5-38. from the Superintendent, Junior Certified School, Bellary.

2. Mr. J. Ingle,
22, St. Mark's Road, Bangalore.

REG.

15

Copy of this office letter No.Dis.1242/38 dated the 15th May 1938 to A.Ingle., Esq., Civil Engineer, Bellary.

In continuation of this office Dis.No.1013/38 dated 20-4-38, please take notice that the artesian well together with pumping plant installed therein by the Military authorities, was already purchased by the Govt. of Madras in Law (General) Department for Rs.25,000/- in March 1922. As such the sale effected by the Military authorities of the Artesian well is not in order unless such a transaction relates to some other well.

Copy forwarded to the Military Estates Officer, Madras Circle, Bangalore with reference to his letter Nos. S/16/284/M.C. and No. S/16/285/M.C. dated 22-4-38 and in supercession of this office Dis. No.1080/38 dated 27-4-38.

Dis.No.1297/38.
Junior Certified School,
Bellary, dated 18-5-38.

Sd. x x x x x x
Superintendent.

RBG.

P.C. to go

Home Dept

T.M.

From

The Under Secretary to Govt,
Home Dept.

To

The Inspector-General of Prisons,
Madras.

Sub: Alipuram tank - Ownership of the Madras Govt.

Please send urgently a copy of the list sent as enclosure to your letter No. G. 17 dated 3-3-22 with the details of the properties purchased under the authority of G.O. No. 389 W dated 1-5-22 duly noted thereon.

f. 1 of G.O. 389 W dt. 1-5-22

Ⓖ/p. 19

KRP 2/6/38

/81.

4/6

Issued Ch. 4.6

C.F. 80.

Jail **DEPARTMENT.**

Received -5 JUN 1938 19

Registered 19634 G2/38 19

Subject.

Ref.-Your telephone message of date - Alipuram Tank - Ownership of the Madras Government -

ENCLOSURES.
No.
Spare copies

No. 5621/S2/37.

Station Mount Road, Madras. *Dated the* 8th June 1938.

From (Name) Lieut-Col.S.C.Contractor,M.B.,I.M.S.,

(Designation) Inspector-General of Prisons.

Under

To The Secretary to the Government of Madras,

Home Department.

Sir,

The original list of the entire plant submitted to Government as an enclosure to G.17 dated 3-3-1922 was sent to General Officer Commanding,Madras District, Wellington - vide Government letter No.1277-C-1,dated the 13th March 1922. This was received again in this office on 10th February 1923 and sent to the Superintendent, Alipuram Jail,Bellary on the 16th February 1923. The return of water supply plants was again called for and sent to Government with this office letter No.G.964,dated the 22nd December 1923. A copy of the list is enclosed.

vss.4/6.

Personal Assistant
for Inspector-General of Prisons.

1st of showing buildings and articles handed over by the Military.

No.	Name of building.	Disposal.	Remarks.
10/1	Engine House.	Taken over.	Remains in position.
10/2	Filter shed.	-do-	-do-
10/3.	Municipal Drinking Water Tank.	-do-	May be demolished if necessary.Used by Cowl Bazaar.
10/4.	Elevated tanks with two tanks.	-do-	Still in position.
10/4A	Delivery pipe 3" G.I.from other buildings to married quarters.	-do-	-do-
10/5	Pumping main from Fort to elevated tank 3" diameter C.I.P.	-do-	-do-
10/5A	Branch.	-do-	-do-
10/6	Delivery pipe 3" C.I.P.from elevated tank to North of Station Hospital(P of W. Hospital).	-do-	-do-
10/6A	Delivery pipe 2" G.I.	-do-	-do-
10/7.	Delivery pipe 1½" G.I.	-do-	-do-
10/8.	Artisan well pipe extension.	-do-	Used by troops. X
10/9	Dip well with pump.Station Hospital.	-do-	-do-
10/10	Dip well with pump.	-do-	-do-
10/11.	Dip well(Cannought Bks).	Non-Existent.	...
10/12.	Cooling tank(Plassey Bks).	Taken over.	Demolished by us.
10/13.	Boiling tank.	-do-	-do-
10/14	Cooling tanks (4 tanks connoyght bks).	Non-existent.	...
10/15.	Boiling tanks -do-	-do-	...
10/16.	Boiling tank Near No.22 Bks.	Taken over.	Demolished by us.
10/17.	Cooling tank near No.22 Bks.	-do-	-do-
10/18.	Boiling tank near Raequet Court.	-do-	-do-
10/19.	Cooling tank near Raequet Court.	-do-	-do-
10/20.	Pipe line with masonry sink with cover slab.	-do-	-do-
10/21.	2" G.I.pipe to the terrace of the hospital.	-do-	-do-
10/22.	1" Dr.G.I.pipe distributary.	-do-	Remains in position.
10/23.	Soakage pit with drain.	-do-	-do-
10/24.	Masonry platform 12' x 6' x 16" for raising the - storage tank at No.2 well.	-do-	-do-
15/1.	Thresh Disinfecting Boiler.	-do-	Still in position.
15/2.	8 H.P.Ingees Engine 6" x 6" woething ton pumps.	-do-	-do-
15/3.	8.H.P.Ingees Engine with 6" x 6" woething ton pumps.	-do-	-do-
15/4.	Jewel filter.	-do-	-do-
15/5.	Jewel filter.	-do-	-do-
15/6.	Cambel 3 H.P.Engine with Centrifugal pump.	-do-	-do-
15/7.	Supply G.I.Tanks hold 800 gallons at No.2 well.	-do-	-do- X
15/8.	Supply G.I.Tanks hold 800 gallons at No.2 well.	-do-	-do- X
15/9.	Iron wheeled buckets for - carrying water.	Non-existent.	...
15/10.	Wheel berrows.	-do-	...

Ltr: Draft I

Agreements.

22/2/37

Revd 5-9-38. Rptd. 14-9-38.
" 6-10-38. " 15-10-38.
" 7-11-38. " 22-11-38.
" 6-12-38 " 14-12-38
Returned 9.1.39 Rptd 18.1.39
" 8-2-39.

1/ 21

Revenue Department.

Memo. No.2560 D/38-3 d. 2-7-38.

Land and Buildings - Bellary - Alipuram Tank - Ownership - Disposal.

From the Government of India, Defence Department, No.842-L/D-4, dated 3-5-38.

A copy of the letter from the Government of India, Defence Dept. quoted above together with its enclosures and a copy of this Government's letter No.421 D/33-50 dated 10-12-36 referred to in it ~~to which it is a reply~~, are forwarded to the Board of Revenue with reference to the correspondence ending with G.O.No. 464 Revenue dated 1-3-37. The Board is requested to ~~state~~ whether the contention of the Govt. of India that the Alipuram tank was ~~is~~ not included in the property which was ~~xxxxx~~ purchased by this Government from the military authorities in 1922 for Rs.25,000 is correct.

(M)

Report in Consultation with the Jail Deptt also pl c.f.

2

22

If it is correct the Board is requested to report in which Government - Central or Provincial - the property in question vests within the meaning of Section 172(1) of the Government of India Act, 1935. If it vests in the Central Government, it should be reported whether it is required for any department of this Government and what the present market value of the land and the building thereon is. ~~If is presumed that~~ the tank is ~~still~~ in the occupation of the Jail Dept. ~~or is required for the purposes of that Dept~~ ~~or otherwise~~, the question of taking over ~~of the property for the purpose of the Jail Department~~ should be specifically considered in consultation with the ~~Dept~~ ~~I.G. of Prisons~~.

17-5-38

20.5.38

18/5/38

20/5

To the Board of ~~Revenue~~.

(with copies of pp 1-5 c/f and pp 317-318 of Jo. 464-65(M) dated 1-3-37 and ~~pp 7-9 c/f~~ two plans in orig. to be returned with reply.)

pp 7-9 c/f

Copy to Home Dept.

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2. The BT. is also requested to report in which Govt. — Central or Provl. — the Fort Ditch at Bellary referred to in the letter of the Gen.-in-Chief, Southern Command pp 3-5 c/f No. 23519/145/M.I.C. dated 7-4-38 (Copy of which is sent herewith) vests with ref. to the provisions of Sec. 172(1) of the Govt. of India Act, 1935 ~~and in other case on what grounds~~.

Dtd. by

Date

93

Ans. para 2 at p. 1 c/f.

[31 [illegible] 49]

Draft II

Urgent

Ap with encls
4/7/38.

23
2/7

Rem.d 6-9-38. 4-9-38
10-10-38 15-10-38.
8-11-38. 22-11-38.
6-12-38.

pp 11-13 c.f.

p 15 c.f

p 15 c.f.

(C)

at p 44 of S. 21-23-24 dtd 10.12.37

pp 1-37 ibid.

23

Rev. Dept.

Memo No. 2560 D/38-4 dated 2-7-38

Land and buildings - (Bellary) - Bellary town - Alipuram Tail - Water supply plant - Artesian well - Letter of the M.E.O. Madras circle No. S/16/291/M-C. dated 19-5-38 addressed to the Superintendent, Junior Certified School, Bellary

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A copy of the letter of the M.E.O., Madras circle, quoted above together with a copy of its enclosure is forwarded to the Board of Rev. in continuation of Govt. Memo No. 2560 D/38-3 dated 2-7-38. The Board is requested to ~~~~ report in ~~Consultation with the Tail Deptt~~

(1) whether the Artesian well referred to in the letter of the Supt. Junior Certified School, Bellary No. Dis. 1242/38 dated 15-5-38 is the same as item No. 2 under "Wells" in the statement showing the military buildings and their market value submitted by the Board of with its ~~Rep~~ Rev. Misc. No. 3504 dated 8-10-1936

24 H

is a fact that as stated by the Supdt., Junior Certified school, Bellary, the well

(2) whether it is included in the property which was purchased by this Govt. from the military authorities in 1922 for Rs. 25,000; and

The Govt. should be informed as regards (2) above.

in Rp 1419 of 1-5-22

(3) in which Govt. — Central or Provincial — it vests within the meaning of Sec 172 (1)(e) of the Govt. of India, 1935.

Dl
6-5-38

Dl
26.5.38

27.5.38

2. It is understood that Mr. Ingle to whom the Govt. of India have sold the Artesian well has given a notice to the Supdt., Junior Certified school, Bellary to the effect that he has taken over the well with effect from 18.4.38, but will allow the School to use it "for a month or so" until he (Mr. Ingle) makes further arrangements for the use of the water. The Board is therefore requested to treat this Reference as specially urgent and to submit the report at a very early date.

Dl
14.6.38.

15.6.38

To the Board of Revenue
(with copies of the M.R.O's letter encl at pp 11-15 cf.)

Copy to the Deputy

× vide para 4 at p 11 C/f.

vide Home Secy's note at p 10 N/F

Dy. Secy
Mr

Initials

To the Bd of Revenue
(with copies of M.R.O's letter & encl at pp 11-15 cf.).

Copy to the Home Dept (with copy of pp 11-15 cf.

C.F. 31—14,000—7-7-37.

REVENUE **DEPARTMENT.**

CURRENT No. 614 D

Received 10 FEB 1939 19 *Registered* 10.2.39 19 ..

Subject. D I Am

Land and Building - Military - (Bellary) - Bellary taluk and town - Disposal - Allipuram tank - Artesian well - Ownership - Report - Submitted.

Refce.B/E.No4910/38-2.

Station Madras, *Dated the* 9th February 1939.

From
S.Venkateswaran, Esq., I.C.S.,
Secretary,
Board of Revenue.

F.W.Stewart, Esq., M.C., C.I.E.,I.C.S.,
Commissioner of Land Revenue.

Read the following papers:--

I.

pp 21-22 ante Memorandum from the Government, Revenue Department, No.2560 D/38-3, dated the 2nd July 1938.

II.

pp 23-24 ante -do- -do- No.2560 D/38-4, dated the 2nd July 1938.

III.

pp 27-37 ante Letter from W.Scott Brown Esq., C.I.E., I.C.S., Collector of Bellary, Ref.C.No.2690/38, dated the 23rd January 1939.

IV.

p 47 ante -do- -do- dated the 6th February 1939.

Reference.

Reference.

Submitted to the Government with reference to their Memorandum cited above.

for Secretary. 9-2-39.

To the Secretary to the Government, Revenue Department,

with two plans returned.

A.S.R./9-2-39.

B & S.R.
9/2/39

27

G. 82.

In reply, please quote number, date and short title.*

Revenue DEPARTMENT.

Received _____ *Registered* _____

From (Name) W. Scott Brown Esquire., C.I.E., I.C.S.,
(Designation) Collector,
Post Box _____, (Station) Bellary.,
Telegraphic Address _____

To

The Secretary to the Board of Revenue,
MADRAS.

Ref.C No. ~~2690/38~~, *dated* ~~23rd January~~ 1939.

Sir,

Land - Bellary taluk and town - Allipuram
Tank - artesian well - ownership -

ENCLOSURES _____

_____

_____

SPARE COPIES _____

re Board's Ref.B.No.4910/38-1 dated 8-7-38.

In the absence of any records in this office containing the correspondence, if any, which led to G.O. Mis.389(W) P.W.D. dated 1-5-22, it is difficult to say exactly what was purchased for the sum of Rs.25,000/- in 1922. The only copy of the Government order in this office is one obtained from Government in 1929 in connection with the transfer or disposal of un-wanted military buildings. I assume that, since Government have made the present reference, they can trace nothing specific by way of a schedule of property or a detailed recital in correspondence to show what actully was purchased or in support of their letter 421-D/33 dated 10-12-36 to the Secretary to the Government of India, Defence Department, in refutation of para 1 of the letter from the G.O.C., Southern Command, No.23513/145/M.L.C. dated 7-4-38.

2. Reference to the Superintendent, Central Jail, has, however, elicited that the Inspector of General of Prisons followed up an intimation of the purchase from the Military authorities by an order No.1754 dated 5-4-22 which read as follows:-

"Copy communicated to the Superintendent, Central

Central Jail, Bellary for information.

2. The water supply plant, including artesian well has been purchased from the Military Authorities, so the linking up of the Central Jail with the artesian well water supply may be put in hand at once and completed at an early date. The original estimate of 12,550 not to be exceeded. "

I have, after going carefully into the correspondence available in my office and the information gathered from the offices of the Executive Engineer and the Central Jail and a detailed personal inspection come definitely to the opinion that there was a water supply plant belonging to the military authorities at Bellary in 1922 only at the artesian well (No.2) shown in the plan sent with the enclosures to the Board's reference under reply. G.O.Mis.389-W, Public Works, dated 1-5-22 refers only to the sale of water supply plant. I have verified that there was in 1922 an engine, overhead tanks and a pipe line from the artesian well already referred to, to the Alipuram Jail, now the Junior Certified School. This was used by the Military Department, when troops were stationed in Bellary, to supply the barracks, the water being pumped to a double overhead tank near the Garrison Church and Hospital. This is the only water supply plant in existence, so far as I can ascertain, in the Cantonment in the days of military occupation. I will deal later with the question whether the military authorities must be deemed to have sold the well also in 1922 and whether in any case that well vests in the Madras Government in virtue of section 172(1) of the Government of India Act, 1935. Meanwhile in view of various incorrect statements in letter No.23519/145 M.L.C. dated 7-4-38 from the G.O.C., Southern Command, and elsewhere I consider it necessary to refer to the Alipuram tank and the Fort Ditch.

3. After a careful personal perusal of all the correspondence in my office, the only statement I can trace in favour of the contention that Alipuram tank passed to the Madras Government in the sale of 1922 is a statement in Madras H.G.No. 10162/41Q dated 4-1-29 - (copy enclosed). As every other evidence seems to point the other way, I am constrained to conclude that this was an incorrect statement, so far at least as it refers to the transaction of 1922, of a piece with a similar statement made by this office in a reference to the Chief Engineer of Irrigation in 1933, ostensibly on the strength of Government order Mis. 389-W- P.W.D. dated 1-5-22, namely that the tank was " purchased by the Jail Department in 1922 vide G.O.No.389-W- P.W.D. dated 1-5-22." and asking him to make the necessary change in the list of Railway affecting tanks from " Bellary Cantonment" to "Jail Department". In spite of para 2 of the letter of the G.O.C., Southern Command, above referred to, it is clear that there was in 1922 no pumping station to the north-east of Alipuram tank. There is a suggestion of its existence in the reference from the Military Estates Officer, Madras Circle in 1937, which was sent in Board's Endorsement B.No.4447/37 dated 23rd September 1937 with the endorsement from Government, Revenue Department, No. 3675-D/37-1 dated 13-9-37 and which refers to plant and wells at Alipuram tank transferred to the Madras Government in 1922 as well as the plant at the Fort ditch. Against it is the file in my office regarding the serious threat to the water supply to Alipuram Jail in the end of 1923, the frantic putting down of bore wells, and the emergent laying of the pipe line from the tank, permission to proceed with which in anticipation of scrutiny and sanction of the estimate, was given in Law (General) Memo. 294-C-3 dated 22-1-24. It is clear from the correspondence with the Executive Engineer in my office file that supply from the tank had up to then been by an open earthern channel (to the Fort Ditch) from the tank sluice. The levels taken then showed a

difference of 12.09' between the ~~sill~~ cill of the tank sluice and the ground at the well in the Alipuram Jail and when the proposal for the piped supply went through, pumping was required. The Executive Engineer's report at the time referred to several wells in the low land in rear of Alipuram tank bund and attempts made to test them for supply, first of all, as the tank was dry. In his report he said " It was thought that the Jail Superintendent, Alipuram, would be able to provide a pump so that the yield of this well (i.e., well No.1 in the most advantageous position) could be tested but it was found that the pump was out of order and not likely to be ready for some weeks, hence arrangements were made to bale the water by means of a 'mote'. " This makes it quite clear that there was in the neighbourhood of Alipuram tank no Military Department pump and still less a pumping station, sold to the Madras Government just the year before, and it is obvious from the Public Works Department report and records and my personal inspection that the Military Department had in 1922 no pump either on the wells near the tank or at the tank, a distance of over 3 miles from barracks (Alipuram Jail), especially as they had no pipe line to convey the water to a more accessible point and store it . A later file in my office indicates clearly that, within 2 or 3 years of 1922, neither the Local officals nor the military authorities treated the Alipuram tank as having been transferred to the Jail Department or to the Madras Government. In 1924 and 25 there was a dispute about the use of the water commanded by the Alipuram Water Supply scheme. The Superintendent ~~the~~ A Alipuram Jail, Bellary in his letter No. J.2851 dated 4-12-24 to the Inspector General of Prisons reported that Alipuram tank was the property of the Military Department and also obtained permission from the Assistant Commanding Royal Engineer, Bangalore. to lay a pipe below the masonry sluice of the tank. To settle the dispute about the

use of water to be convened in G.O.No.702 dated 3-3-25. a conference of officers was ordered Law (General) Dept

Accordingly a conference was held and an agreement was arrived at. This agreement is embodied in G.O.No.1760 Mis. dated 25-5-26. Law (General) department. The terms of the agreement are (1) that the troops at Bellary should be supplied with water from the new Alipuram Jail supply scheme free of cost by the Jail authorities and (2) that the water from the Artesian well No.2 should be made available ~~for~~ for the Central Jail, Bellary subject to the condition, that should the Alipuram Jail supply fail either in quality or quantity the well should be immediately made available for troops, the Central Jail being disconnected. I shall refer later to the bearing of the second part of this agreement on the question of the artesian well.

4. Turning now to the Fort Ditch, at which there is certainly pumping plant now, though it is out of order, it is clear that there was no pump there in 1922, no engine to pump water and no pipe line to the barracks. The water in the Fort ditch is exposed to pollution and would never have been allowed to be used by troops though people from the Cowl Bazaar and Cantonment area apparently took it away in pots. The water in the artesian well on the other hand is still reputed to be very pure. From the records of the Public Works Department it is seen that when water could not be got from the Alipuram tank in 1927-28 it was decided to take water from the Fort ditch and one of the engines was moved from the Alipuram tank to the Fort ditch and connected up by a pipe line to the overhead tank near the Garrison Church for supply to the Alipuram Jail. At this time the Central Jail was apparently using the artesian well water though later it got a Municipal supply. The work done included chlorinating plant and a sump well and permission was got for the latter from the Cantonment Board. Records in my office show that in 1929 the

Cantonment authorities raised objection to the pumping of water by the Jail Department from the Fort Ditch. It was reported to the Government in this office D.Dis. 6199/29 dated 14-12-29 that the Fort ditch vests in the Military Engineering Works Department. Again in 1931 the question of the ownership of the site occupied by the pumping plant purchased for Rs.25,000/- belonging to Government for the Jail Department was raised . In G.O. No.Ms. 126 Revenue dated 20-1-31, an extent of about an acre of land occupied by the sump was transferred by the Government of India to the Jail Department and this plot was taken charge of by the Superintendent, Alipuram Jail. on 31-7-31.

5. From this rather lengthy and complicated account read with the Assistant Engineer's letter, copy enclosed, the following facts emerge. After the failure of the Alipuram Tank in 1923 an expensive scheme was undertaken which involved closing the sluice of the Alipuram tank, leading the water from it by a pipe to settling tanks and filter beds and pumping it through pipes to an overhead tank inside Alipuram Jail, (now the Junior Certified School). Later there was trouble apparently owing to shortage of water in the tank and one engine was moved to the Fort ditch in 1928-29 and a pumping plant with chlorinating arrangements was fitted up at the well outside the ditch (and connected with it underground) and connected by pipe to the overhead tanks near the Garrison Church outside the Alipuram Jail. This plant is not now in use and the engine is out of order. Normally it should not be required. It is to these overhead tanks (outside the Jail and now the

near the Garrison Church) that ~~the~~ one pipe line from the overhead tanks at the artesian well is also connected, the water being led thence inside the Alipuram Jail(Junior Certified School). The well water is only used, however, in the event of failure of the engine at the Alipuram tank pumping station or scarcity in the tank, as happened last year. Well water had in fact been used only a day or two previous to my inspection for the former reason and the signs were still visible. There is, at the artesian well, another pipe line, connected direct to the engine, and leading ~~m~~ in the opposite direction to the Central Jail. The pipe is, however, now blocked at ~~the~~ the Jail wall as a Municipal connection has been given at that point. The Superintendent, Central Jail, has also two wells in the Jail premises, the water of which is used for washing wool, bathing and gardening. He ~~would~~ would like, when funds permit, to be reconnected to the artesian well in order to economise the use of municipal water which costs between Rs.200/- and Rs.300/- a month. That however is another matter.

6. After this explanation, I turn to the last part of para 1 and para 2 of the letter of the General Officer Commanding -in-chief, Southern Command. Apart from the inaccuracy of the statements there made, if they are intended to refer to the facts of 1922, I find it impossible to reconcile the statement that " there is no such plant in the Alipuram tank" with the statement that there is" a pumping station situated to the north-east of the Alipuram tank and a pipe line connecting it etc.,". It is also inaccurate to say that the pipe line from the Alipuram tank is connected with the well and pumping station near the Fort. They are not connected except in the sense that each independently can supply the Junior Certified School, or rather the former does and the latter could if the pumping station at the Fort ditch was in working

working order, which it is not. In so far as the General Officer Commanding -in-Chief's letter suggests that pumping plant and pipe lines at the Fort ditch, or for that matter at the Alipuram tank, were the properties purchased by the Madras Government in 1922 for Rs.25,000/-, it appears to be entirely incorrect. What was purchased was pumping plant at the artesian well and the pipe line to the overhead tank near the Garrison Church and the pipe thence into the old Alipuram Jail.

7. I turn now to the question whether that purchase included the artesian well itself and whether the permission given in connection with the pumping plant at the Fort ditch and the Alipuram tank gave a right to the Fort ditch or part of it and its water and to the Alipuram tank and its water.

Artesian Well- G.O.No.1760 Mis. Law General Department, dated 25-5-26, which records the agreement arrived at by a conference, on which the Military authorities were represented, shows clearly that the artesian well connected with the Central Jail and the Alipuram Jail was called Artesian Well No.2. This cannot be the same as item No.2 under wells in the statement showing military buildings etc., referred to in Revenue Department Memo.2560-D/38-4 dated 2-7-38. In the statement submitted by the Collector, Bellary, that well is described as "near B.I.Lines" and its value is shown as Rs. 300/- materials only. My records also show that it is an uncovered well with a trough. It is obviously a small affair. Artesian well No.2 is a long way from any lines or barracks and is a very large square stone well covered, with a short distance above water level, with corrugated iron sheets, the materials alone of which would be worth far more. It must have cost Rs.6000/- at least to construct, including blasting, excavating

and revetting.

There is no doubt, from my enquiry, that it was the plant, engine, pump, overhead tanks and pipes connected with what is known as artesian well No.2 (on the golf course) that was sold in 1922. Possibly records in the office of the Inspector General of Prisons might throw more light on the transaction than does the laconic telegram quoted in the Government Order but prima facie no one in his senses would have bought all the pumping apparatus connected with a well, the overhead tanks at the well, the pipe line to the overhead tank near the Garrison Church and the overhead tanks there, to give a water supply to the Alipuram Jail buildings, unless the well and the water in it were included. The Inspector General of Prisons was, therefore, obviously correct in intimating at the time that the artesian well was included in the purchase and the military authorities in assuming otherwise are clearly in error. The military department engine at the well was scrapped subsequent to 1922 and replaced by another engine. From time to time the well has been used to supply water either to the Central Jail or the Junior Certified School. It has not been used for many years and certainly not since the coming into force of part III of the Government of India Act 1935 but has been so used by a department of the Government of Madras. In view of section 172(1) of the act it must be deemed to vest in the Provincial Government. The sale of this well by the military authorities to Mr. Ingle therefore took place under a mistake of fact and it should be cancelled. Quite apart from this it is obvious that the agreement in G.O.1760 dated 25-5-26 has been overlooked by the military authorities and that the sale should not have taken place without the agreement of the Madras Government.

The storage in the Alipuram tank at present is some 40-M-C-F or 250 M. gallons, enough for 2 years, with the present consumption but the tank has failed before and may well fail again and it is therefore necessary, as the Jail Department says, to have the artesian well (No.2) as a stand-by in case the tank fails or the pumping plant there breaks down.

Fort Ditch. In view of G.O.Mis. Revenue No.126 dated 20-1-31 recording the transfer to the Madras Government of an area of about 1 acre in the ditch in which the sump belonging to the Jail Department is situated, which gives the Madras Government all the scope they need for pumping water from the Fort ditch, if required, it appears that the ownership of the rest of the Fort ditch is of academic importance only. but as the one acre vests under section 172(1) of the Government of India Act in the Provincial Government, they should be consulted if there is any question of disposal of the rest of the ditch which might give another purchaser the right to pump all the water from the ditch.

Alipuram tank. While it is clear that the Alipuram tank as such was not sold in 1922 to the Madras Government there is no doubt that the Jail Department have been drawing water from it regularly for over a decade. As the Assistant Engineer's report shows the Madras Government have spent money improving the tank and last year they improved the supply channel (hence its present full condition). On the other hand, G.O.702 Law (General) dated 3-3-25/26 shows clearly that the military authorities in allowing the Jail Department to make arrangements to pump water from the Allipuram tank to the Alipuram Jail gave permission only and did not abdicate their title to the tank itself. While an acre of Fort Ditch was handed over with due formality, there is no record of any such

handing over of the Alipuram tank. Though the tank was in the possession and use of the Jail Department on behalf of the Provincial Government on the date of part III of the Government of India Act coming into force, I doubt if in view of the permissive nature of the original occupation by the Jail Department, the Madras Government can claim that the tank vests in the Provincial Government under section 172(1) of the Government of India Act. If Government are advised otherwise they may claim it. If the claim is not conceded or not made, I recommend purchase as it is obviously essential for Jail purposes. I understand that the tank was originally constructed many years ago by famine labour and not by the Military Department. There is therefore no reason for offering more than the value of Rs.1752-2-0 shown in the statement submitted to the Board in this office C.No.4059/35 dated 21-6-36. In any case the tank should not be disposed of without reference to the Madras Government.

20/1/39

Collector.

RK/23-1

List of enclosures.

1. Copy of letter No.10162/41 dated 4-1-29 from the Major General Commanding Madras District to the Collector of Bellary
2. Copy of letter No. 2135 E dated 7-10-1938 from the Assistant Engineer P.W.D., Bellary to the Executive Engineer, Bellary.
3. Blue Print
4. Sketch showing the Alipuram tank in relation to the fort and the Fort Ditch.

(Same as sent at p59 of R.O. 2446-45 Rev. Dept 6-12-29)

Copy of letter No.10162/41/Q dated 4-1-29 from the Major General commanding Madras District to the Collector of Bellary.

Lands and buildings - Bellary Cantonment-
Transfer to the Local Government-

Sir,

With reference to your G.B.4-3026/2, dated the 3rd September 1928, the information you require, as far as it is available in the records of these Headquarters, is furnished below:-

1. British Infantry Lines - Plassey Barracks:- Sold to the Government of Madras in 1925-26 for Rs.2,00,000/-

Ex Macquet Fire Court. No information available.

2. Alliparam Tank. Sold to the Government of Madras in 1922, for Rs. 25,000/- .

3. (a) Supply and Transport Corps, Gram buildings shed and Saddle room and Pharmacy:-

The disposal of these buildings is now being investigated and a further communication will be made in due course.

(b) Barracks for two Sergeants. No records available, but the Income Tax officer is paying a rent of Rs.42/- p.m. for No.43.K Barrack.

4. Wellesley Lines - School, House Hospital, Dispensary and out-houses:- Sold to the Government in 1925-26 for Rs.40,565/-.

5. Lock Hospital. Lent in 1923 to the Government of Madras for use as a Government Training School for Mohamedans Teachers free of rent.

2. No further information is available from the records in this office.

It is presumed, however, that the Government of Madras has some information on the subject since the buildings were at one time presumably handed over to them.

/ Sd/ XXXXXX

Major - General,
Commanding Madras District.

S/o

(True copy)

W. Wolfenden
Collector 27/1/31

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Copy of letter No.2135 E/ dated 7-10-1938 from the Assistant Engineer, P.W.D. Bellary to the Executive Engineer, Bellary Division, Bellary.

Sub:- Land - Military - Bellary Taluk and town- Alipuram tank - Artesian well - ownership report submitted.

With reference to your endorsement in No.3676-S dated 30-8-1938 on copy of a letter Ref: No.2690/38 A2 dated 30-7-38 from the Collector of Bellary, to the Superintendent, Central Jail, Bellary and the Superintendent, Junior Certified School, Bellary, I have to report that the purchase of the Artesian well with the pumping plant, I dealt with in my previous report in No.1263-E dated 3-6-38 about the linking of the Artesian well to the Central Jail for water supply, with copies of the previous correspondence leading to the acquisition. The correspondence leading to the transactions passed between the local Government and the Military authorities of the Government of India, and I do not find any record to shew, that only the water supply plants at the Alipuram tank, Fort ditch and the Artesian well were sold to the Local Government by the Military Department in April 1922, as now contended by the latter. I doubt, if there were any pumping plant at all at the Alipuram tank or the Fort Ditch well in 1922 as can be seen from the following facts.

The question of water supply to the Alipuram Jail from Alipuram tank was taken up in 1924 , and the Government in their order No.746-W dated 2nd July 1924. sanctioned the water supply scheme for Rs.1,20,000/- under which the following estimates were actually sanctioned and executed urgently.

1. Pipes, Engines, Pumps Etc., including fitting Rs.87,000
   This provides for two 18/21 Pettah crude oil engines, two 6" Pulsometer pumps, 3 miles length of C.I.pipe line with joints etc.,
2. Constructing an engine's house Estimate Rs.5,300/-
3. " Sump well 1,150/-
4 " a sluice 5,625/-
5 " filter beds 15,000/-
6 A water tank in Jail compound 4,600/-

There were certain defects pointed out by the Sanxitary Engineer to Government ~~during~~ during his inspection and test, and certain improvements such as construction of settling tanks, etc., were suggested. These improvements at a cost of Rs.17,000/- were sanctioned in G.O.No.574-W dated ~~xxx~~ 15th ~~a~~March 1927, and improvements were carried out at a cost of Rs. 15,000/- vide work-slip approved in ~~D~~ivisional No.2436 dated 26/30 ~~M~~arch 1928. (9)

Hence the total cost incurred in the installation of engines, pumps and pipe line etc., solely by the local Government for water supply to the Alipuram Jail from Alipuram tank from its ~~xxxxxxx~~ inception is Rs. 1,35,000/- approximately. The contention of the Military Department that they sold in ~~w~~ 1922, the pumping plant which did not exist at all then, does not seem to be a fact. The loca Government could not have launched on this costly scheme without the right of ownership to the tank.

There are no records available in my office about taking over Alipuram tank and supply channel from the Military Department as the previous correspondence was passed between the Jail Department of the Local Government and the Military Department of the Government of India in 1922 or 23. The Jail Department may be referred ~~xx~~ for the original correspondence.

Even in the Military Department list, it was stated that the Alipuram tank with its channel about 219.97 acres outside and inside Cantonment area as liable to be included as the Military land. Here that Department felt the doubt. When the Alipuram tank failed some time between 1927 and 1928 or due to other caused when pumping could not be started at the time when improv ments were undertaken, there was felt the necessity to get water from the fort ditch and one of the engines at the Alipuram tank had been fitted to the fort ditch for supply to the Alipuram Jail.-

There was ~~an~~ the necessity to construct a sump well as suggested by the Sanitary Engineer to Government in his No. M/407 dated 27-2-1928 and permission for its construction was obtained from the Cantonment Board which sanctioned the permission in resolution No.5 in its proceedings held at the Office of the Cantonment Executive Officer, Bellary, on Saturday the 18th of August 1928, at 11 A.M. vide divisional endoresement in No.6601 dated 26-8-1928 to the Sub Divisional Officer . The sump well was constructed at a cost of Rs.2250/- . Again, when the fort ditch failed, a pipe line from the Municipal main to the Alipuram Jail was laid in 1929 in accordance with the orders in G.O. (N) No.929 (12-S) P.H.dated 5-5-1927, at a cost of Rs.3000/- debited to the ~~said~~ Jail Department vide Divisional endorsement in No.9069 dated 28-11-1928.

Hence the contention of the Military Department that they sold in 1922 the pumping plant at the fort ditch does not seem to be correct as a pump was installed by this department in in the Fort ditch only in 1927. An estimate for repairs to the tank and supply channel to assure supply to the Alipuam Jail and to put the tank and bund in good order, being a railway affecting one, was sanctioned in D.R.No.116 By/35-36 for Rs.9270/- ~~xxxx~~ and the work has almost been completed. An estimate amounting to Rs.1650/- for closing breach in the Alipuram tank supply channel was also, sanctioned in D.R.No.148 By/30-31 and work executed in ~~x~~ 1931.

These repairs were undertaken as the tank belonged to the Provincial Govenment in charge of the Jail Department for water supply to the Jails , as in all correspendence it is found that the tank is in charge of the Jail Department.

Under the circumstances explained above, the necesiity for giving the market value of the properties with the buildings thereon, does not arise, as the pumping plant, water works etc., were installed wholly at the cost of the Local Government. As regards the value of land which was fixed at Rs.15/- per acre (half the value ~~xxxxxxxxxxxxxxxx~~ only at Rs.30/- per acre

as ruled by the Accountant - General) on the ~~the~~ claim of the Government of India and the appeal to the Secretary of State vide (II) G.O.No.747-W dated 2-4-1927 sanctioning Rs. 3204/- (3024) as compensation at Rs. 15/- per acre for the land occupied by the Alipuram barracks and Wellesley Sanitorium Jail for about 200 acres while a sum of Rs. 240565/- was paid for all the buildings therein as per G.O. (Y) No.3641- Law (General) dated 8th December 1925.

/ True copy/ 6/6

20/1/39

Collector.

3 21/1/39 A2

B.f 24/1/39

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Copy of letter from W.Scott Brown Esq., C.I.E., I.C.S., Collector of Bellary, R.Dis.No.2690/38, dated the 6th February 1939.

Land - Bellary Taluk and Town - Alipuram tank - Artesian well ownership - Further report submitted.

Ref:- Board's Refce.No.4910/38-1, dated 8-7-38 and this Office C.No.2690/38, dated 23-1-1939.

As a result of further search I directed to be made in the records to see if there was any information regarding date and agency of construction of the Alipuram tank, it is discovered from the correspondence recorded in G.O.No. 3609 W., Public Works, dated 14-11-1888 that the Alipuram tank was completed in 1872 and that it is purely a military work constructed with the object of improving water supply of the Cantonment at a cost of about 1½ lakhs, paid out of Military funds. This G.O.(G.O.No.3609 W.P.W., dated 14-11-88) would seem to rule out the possibility of purchase of the tank by Government at anything like original cost and makes it all the more important to examine carefully the legal position as regards its vesting under section 172(1) of the Government of India Act, 1935. Again if the Madras Government have no right to the tank and purchase is out of question, it is all the more important to assert the provincial Government's right to the artesian well which would possibly have to be used to supply the junior certified school.

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4 28 pr 49

Revenue Department.

Memo No. 2560-D/38-6 dated 27-2-39

Rec'd Rel'd
18-5-39. 27.5.39
24.6.39. 3.7.39.
17.7.39. 18.7.39
16-8-39. 1-9-39.
19.9.39. 2.10.39
17.10.39 - 26.10.39
15.11.39 - 22.11.39
15.12.39 - 21.12.39
19.1.40 - 29.1.40.

pp 25-47 cf.

Lands and Buildings

Military - Bellary - Bellary taluk and town - Disposal - Alipuram tank - Artesian well - Ownership.

From the Board of Revenue, Ref. No. B/E 4910/38-2, dated 9-2-1939.

at p 37 cf

In the penultimate sentence of his letter No. Ref. C. No. 2690/38, dated 23-1-1939 (submitted with the Board's reference quoted above), the Collector of Bellary has recommended that the ~~value~~ sum of Rs.1752-2-0 (as its value shown in the statement submitted with his letter C. No. 4059/35, dated 21-6-1936) may be offered to the Government of India for the Alipuram tank if the property is not claimed as vesting in this Government. The Board is requested to submit a copy of the statement referred to by the Collector and to report what exactly the

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the sum of Rs.1752-2-0 represents and whether it includes the market value of the land ~~as well as~~ both and the structures on it. The attention of the Board is in this connexion invited to item 24 in the "revised statement - A - Recast" submitted with its Resolution Misc. No. ~~253~~ 235, Confidential, dated 24-1-1929, in which the market value of the site was shown as Rs.26,280 and that of the structures on it as Rs.35,743. The Board of Revenue is requested to ascertain and report very urgently why the Collector now proposes ~~to offer~~ that only Rs.1,752-2-0 as shown he offers to the Government of India. As the present market value of the site ~~of~~ and the structures is payable ~~by~~ to the Government of India, the Board ~~of Revenue~~ is requested to report what that value is. The structures should be got valued by the P.W.D. and full data for the valuation should be given.

2. In para 7 of his letter submitted with the Board's Reference

quoted above) the Collector has reported that the artesian well No. 2 connected with the Central Jail and the Alipuram Jail cannot be the same as item No. 2 under wells in the statement showing military buildings etc., submitted with the Board's Res ~~reference~~ No. 3504, dated 8.10.1936.

item marked X at p 44 of (C)

pp 35-37 ctd

The Board of Revenue is requested to ascertain and report very urgently the S. No. in which the (former) artesian well ~~No. 2 in question~~ No. 2 is situated and the area occupied by it.

To

The Board of Revenue.

d. by

24.2.39.

25.2.39

26/2

17/1914

Dp. Memo clean copy

Clean copy at p55 ante

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Rev. Asst.

Memo No. 2560 A/38-9 Dated 15-4-39

Land and buildings - ~~Mallary~~ (Bellary) - Bellary taluk ~~and town~~ - Aliparam tank - Disposal - Correspondence ending with Govt. Memo No. 2560 A/38-6, dated 27-2-39.

Revd.

18-5-39.
21-6-39 3-7-39.
17-7-39. 28-7-39.
16-8-39. ~~2-8-39~~ 1-8-39.

pp 49-51 cf

D.O.Rc 18.5.35. Reply 2/10.
E.Rc 17.10.35; Ref 2.11.35; Ref 26/10
D.O.Rc 15.11.35; Reply 22.11.35 p. 41-45 cf.
E.R. 15.12.35. Ref. 3.1.40. noted
D.O.R. 19.1.40. reply. 29.1.40. p 25 cf.

p 42 cf

The report of the Asst. Engr. O.W.D., Bellary, No. 2135 E, dated 7-10-38 (of which a copy was submitted with the Board's Reference No. B/E. 4910/38-2, dated 9.2.39), shows that certain improvements such as the construction of settling tanks etc were carried out at the cost of the Board. Govt. to their arrangement for the supply of water from the Aliparam tank to the Aliparam Jail. When submitting its reply to the Govt. Memo quoted above, the Board is requested to report ~~whether the improvements effected include any of the structures on the site of the Aliparam tank and if so what those structures, and their market~~

Dpd. by V. T.

Date 53

Separately with the value of each
(1) The structures purchased by the Govt. for the Settling Tanks
2) The structures erected or improvements effected at the cost of the Govt.

~~were erected at the cost of the Govt~~

by

54

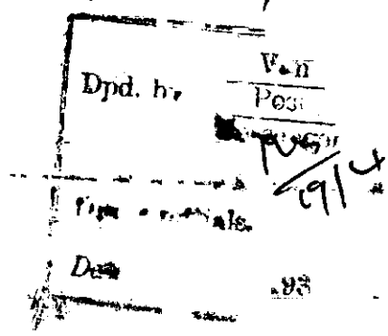
values (unpacked) are

27.3.39.

28.3

31.3.39

To the Board of Rev.



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Revenue Department

Memorandum No.2560 D/38-9, dated the 15th April, 1939.

Land and buildings - (Bellary) - Bellary taluk - Alipuram tank - Disposal - Correspondence ending with Government Memorandum No.2560 D/38-6, dated 27th February, 1939.

The report of the Assistant Engineer, Public Works Department, Bellary, No.2135 E., dated 7th October, 1938 (of which a copy was submitted with the Board's Reference No.B/E 4910/38-2, dated 9th February, 1939), shows that certain improvements such as the construction of settling tanks etc., were carried out at the cost of the Provincial government to the arrangement for the supply of water from the Alipuram tank to the Alipuram Jail. When submitting its reply to the Government Memorandum quoted above, the Board of Revenue is requested to report separately with the value of each

(1) the structures purchased by this Government from the Government of India

(2) the structures erected or improvements effected at the cost of this Government.

B.G.Holdsworth,
Secretary to Government.

To the Board of Revenue.

Forwarded
(By Order)

Superintendent.

KV.

Revenue Department

Letter No.2560D/38-11 dated 11-5-38.

To

The Secretary to the Government of India,
Defence Department.

Land and buildings - (Bellary) - Alipuram tank etc. - Ownership - Letter from the Government of India, Defence Dept. No.842-L/D4., dated 3-5-38.

I am directed to state that the Government of Madras agree that the Alipuram tank in the Bellary district is not included in the property which was purchased by them from the military authorities in 1922 for the use of the Jail Department for a sum of Rs.25,000 and that it is still the property of the Central Government. A further communication will be sent to the Government of India on the question whether the property is required for the use of this Govt.

2. Besides the Alipuram tank, there is, in Bellary, a well called Artesian Well No.2 which is another source ~~for~~ 2

water -
~~the~~ supply ~~of water~~ to the premises of the Junior ~~C~~ertified ~~S~~chool (in which the ~~A~~lipuram Jail was previously located). An engine, pumping apparatus and some overhead tanks are situated at this well and a pipe line connect~~ed~~ these overhead tanks to a double overhead tank near the Garrison Church and Hospital situated outside the Junior ~~C~~ertified ~~S~~chool. The water is thence led from this tank through a pipe into the school premises. When troops were stationed in Bellary the well and the water supply arrangement were used to supply water to the barracks. In 1922 the military authorities proposed to sell in auction the water supply plant and other appliances connected with it. The I.G. of prisons Madras, stated that they were absolutely necessary for the military barracks which were handed over to this Govt. for accommodating Mapilla prisoners in the Camp Jail, Bellary. They were accordingly purchased from

vide portion underlined Pat pp 28, 32 & 34 c.f

vide Pat p 28 c.f

vide p 2 of Fo 589 W (G) 1-5-22

p 1 ibid

vide pp 4-5 ibid

the military authorities for a sum of Rs.25,000. The Central Jail, Bellary, was also then linked up with the Artesian well by a pipe line connected direct to the engine at the well

3. Up to 1923 the supply of water to the Alipuram Jail from the Alipuram tank was by means of an open earthen channel (to the Fort Ditch) from the tank sluice. Towards the end of 1923 there was a serious threat to the supply of water to the Alipuram Jail. Bore wells were sunk, a pump and engines were put up and a pumping station was erected near the Alipuram tank and a pipe line was laid from the masonry sluice of the tank to the water tank in Jail Compound at a cost of about Rs.1,20,000. In para 2 of his letter No.23519/140/M.L.C. dated 7-4-38 (which forms an enclosure to the Govt. of India letter quoted above) the G.O.C.-in-Chief S.C. has stated that t presumption is that the pumping stati situated to the north east of the

Alipuram tank and the pipe line connecting it with the well and pumping station ~~over~~ near the Fort were purchased by this Govt. for Rs.25,000 in 1922. As already stated, the pumping station was erected and the engines were put up near the Alipuram tank only in 1924. They were ~~were~~ therefore not included in the 1922 transaction. What was purchased in 1922 was the overhead tanks, the pumping plant and the engine ~~and pump~~ at the Artesian Well No.2, the pipe line from it to the overhead tank near the Garrison Church, the overhead tanks there, and the pipe thence into the premises of the old Alipuram Jail (now the Junior Certified School). The transaction ~~must have~~ obviously included also the Artesian well No.2, for prima facie, nobody would have bought all the above-mentioned pumping apparatus connected with the well, to give a water supply to the Alipuram Jail buildings unless the well and the water in it were also included.

vide Portn. marked Pab pp 34 & 35 of P.

vide Pab p35 of P. & pp20-21 N.F.

4. In 1924-25 a dispute arose about the use of the water commanded by ~~this~~ the Alipuram Tank water supply scheme. To settle ~~rhia siapurw~~ this dispute a conference ~~was held between the~~ of officers of this Govt. and the military authorities and an agreement was arrived at ~~in 1925~~ was held in 1925. The terms of the agreement were:-

(1) that the troops at Bellary should be supplied with the water from the ~~Alipuram tank by the~~ new Alipuram Jail supply ~~scheme~~ (from the Alipuram tank), free of cost, by the Jail authorities, and

(2) that the water from the Artesia well No.2 should be made available for the Central Jail, Bellary, subject to t condition that, should the Alipuram Ja supply fail either in quality or quanti ty, the well should be immediately mad available for the troops the Central Jail being disconnected.

5. While this is the case the M.E.O., Madras Circle appears to have obtained the sanction of the Govt. of India in 1938 for the sale of the Artesian well No.2 to one Mr. Ingle apparently under a misapprehension that it is a military property.

Mr. Ingle gave a notice to the Superintendent Certified School, Bellary to the effect that he had taken over the well with effect from 18-4-38 but would allow the school to use it "for a month or so" until he made further arrangements for the use of the well. In his letter No.S./16/291/ M.E. dated 19-5-38, (copy enclosed), the M.E.O. also told the Supt. that the Artesian well No.2 was never sold by the military authorities to this Govt. in 1922, that this Govt. had never questioned the military ownership of the well and that they had on the contrary (in their letter No.738D/36-6 dated 2-11-36) agreed that the Artesian well was military property and had included (in it) the list of military properties sent with that letter. An ~~copy of~~ extract from this letter relating to military properties in Bellary together with an extract, from the list, of the item referred to by the M.E.O. is enclosed. The Collector of Bellary has reported that the Artesian well No.2 connected with the Alipuram Jail and the Central Jail cannot be the

vide p 10 N.F.

pp 11-13 c.f

—ds—

(C)

at pp 63-91 q fr. 2625-24 Rc 16-12-37

—ds—

+ marked X at p 88 ibid

p 34 c.f

same as the item referred to by the M.E.O., that it is a long way from ~~for~~ any lines or barracks and is a very large, square, stone well, covered with corrugated iron sheets a short distance above water level, while the well included in the list is an uncovered small well (with a trough) near the B. I. Lines. The Collector has reported that the artesian well No.2 has not been used for many years, and certainly not since the coming into force of Part III of the Govt. of India Act, 1935, by or on behalf of the Central Govt., ~~and~~ but that it has been ~~so~~ used by the Jail Dept. of this Govt. to supply water either to the Central Jail or the Junior Certified School, Bellary. The well, therefore, vests in the Govt. of Madras under section 172 (1) of the Govt. of India Act, 1935. I am accordingly directed to request that the Government of India will be pleased to cancel the sale of the well to Mr. Ingle, which as stated above appears

64

to have been made under a mistake of fact.

I have etc.

Copy to the Board of Revenue with reference to the correspondence ending with Govt. Memo No.2560D/38-9 dated 15-4-39.

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No.1941-L/2-D.4.

Government of India.

Defence Department.

New Delhi, the 20th December 1939.

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3/1

To

The Secretary to the
Government of Madras,
Revenue Department.

Land and buildings - (Bellary) - Bellary - Artesian well No.2 - Sale - Cancellation.

Sir,

I am directed to refer to the correspondence ending with your letter No.2560 D/38-12, dated the 14th August 1939, on the above subject.

2. I am to say that in the list of military properties at Bellary to be disposed of, received under your letter No. 738 D/36-6, dated the 2nd November 1936, the following entry appears:-

No. and name of the building	S.No.	Extent	Market value of the building	Market value of the site at Rs.10 per acre	Total value	Remarks.
		Acre wells	Rs.		Rs.	
2, Well Artesian without cover watering trough (East of British Indian Lines)	519-A	0-18	500	1-13-0	501-13-0	To be sold for materials.

Apparently this entry referred to the well No.2 which has been sold to Mr. Ingle for Rs.400/-. This assumption is confirmed by the fact that the Government of Madras valued this Artesian Well and appurtenant land at Rs.501-13-0. It is hard to believe that the Government of Madras spent Rs.25000/- for purchasing the well which was valued by themselves at only Rs.501-13-0. This well remained on the books of the Military Engineer Services continuously until the time it was handed over to Mr. Ingle; not only that but also small alterations concerning this holding were made in the books of the Military Engineer Services, the last correction being made in 1928. Had the

property..

property been sold to the Government of Madras in 1922, these corrections would not have been made in 1928. Moreover, the fact that the water from the Artesian Well No.2 was made available by the military authorities for the use of the Central Jail, Bellary, in 1925 on the condition that it would be withdrawn if required by them shows clearly that the well was never sold to the Government of Madras in 1922.

The facts of the case appear to be as follows:-

In the year 1922 the Government of Madras purchased the Pumping Station situated to the north east of the Alipuram Tank and the pipe line connecting it with the well and the Pumping Station near the Fort on the western side of the Fort Ditch. This disposes of the doubt concerning the property for which a sum of Rs.25000/- was paid. As regards Artesian Well No.2, it would appear that the military authorities in 1925 allowed the Central Jail to use the water from that well and that they have continued to do so, but that they were never given any proprietary rights therein. When the well was sold to Mr. Ingle in 1938, he naturally asked the Jail authorities to cease using the well. If, however, the sum of Rs.25000/- was paid by the Government of Madras for Artesian Well No.2, then it would seem that the Pumping Station at the Alipuram Tank and the well to the west of the Fort Ditch were not purchased by the Provincial Government and still remain in possession of the Government of India.

All unsold military properties at Bellary have been certified by the Governor General in Council as retained temporarily for the purpose of more advantageous disposal by sale or otherwise under Section 172(1)(a) of the Government of India Act, 1935, - see Defence Department Notification No.236, dated the 1st April 1937.

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3. In view of what is stated in paragraph 2 above, the Government of India hope that the Provincial Government will, on reconsideration, agree that their claim to Artesian Well No.2 is based on a misapprehension of facts. The Indenture in regard to the sale of the well in question to Mr. Ingle has already been registered.

I am,Sir,

Your most obedient servant,

E. R. Sateem

Colonel,
Director,Military Lands and Cantonments.

No.1941-L/3-D.4.

Copy of the above forwarded to the General Officer Commanding-in-Chief, Southern Command, with reference to his letter No.23519-II/C/34/M.L.C., dated the 26th July 1939.

CLK.

47/261/1 - 70

Home Dep

CN. 15336 G/38

Memo No. 15336 G/38-16 Dt 26-1-40

Tails = Bellary district - Certain properties = Adipuram Tank, Artesian well & Far Direh - Ownership

Refce: ~~Your~~ Correspondence ending with ~~Your~~ Govt memo No. 15336 G/38-15 Dt 21-12-38

p25-cf in Linen file III / distributed

The I.G. of Prisons is requested to send urgently ~~the original file~~ ~~Your~~ correspondence in this office, referred to in his letter No. 5621/S2/37 Dt 4/6/38 on the subject cited above, ~~for~~ ~~in original~~, for perusal & return.

for.
26/1.

Vide S(Pers)' note on pp 40-41 cf

p18 cf

To the I.G. of Prisons

SN
25/1

JW
25/1

M
29.1.40

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C.F. 32 (a).

Jail DEPARTMENT

In reply, please quote number, date and short title.*

Received ..... *Registered* 032562 1-2-40

From (Name) Lieut-Col. S.C. Contractor, M.B., I.M.S.,

(Designation) Inspector-General of Prisons,

Post Box ....., (Station) Madras.

Telegraphic Address .....

ASSTT - 1 FEB 1940 To

The Secretary to Government,
Home Department, Madras.

Roc. *No.* 5621/S2/37 *dated* 31st January *19*40.

Sir

Enclosures .....

Spare Copies p 70 ante p 29 (FF)

Sub:- Jails - Bellary District - Certain properties - Alipuram tank - Artesian well and Fort ditch-ownership.

Ref:- Government Memorandum No. 15336-G/38-16, Home Department, dated 26-1-1940 and telephonic message dated 31-1-1940 from Government.

(TT)

I submit herewith the file of correspondence referred to in this office telephonic message dated 4-6-1938. p 18 ante

31.1.40

For Inspector-Genl. of Prisons.

Tss.31.1.

12

Rev. Dept.

Memo No. 2560 DS/38-19 dated 23.2.40.

Land and buildings - (Bellary) - Bellary taluk - Hiriyuram tank - Disposal - Govt. Memo No. 2560 DS/38-9, dated 15-4-39.

—

In the Govt Memo quoted above the Board of Rev. was requested to report separately with the value of each —

(1) the structures purchased by this Govt. from the Govt. of India, and

(2) the structures erected or improvements effected at the cost of this Govt.

at the site of the Hiriyuram tank. It is understood that no structures at this site were purchased by this Govt. from the Govt. of India. The Board is accordingly requested to report separately, with the value of each item: —

(1) the structures erected or improvements effected at the cost of this Govt, and

(2) other structures the value of which will have to be paid

X

V

In the forthcoming Budget if there the Alipore tank is taken up for the use of this Govt.

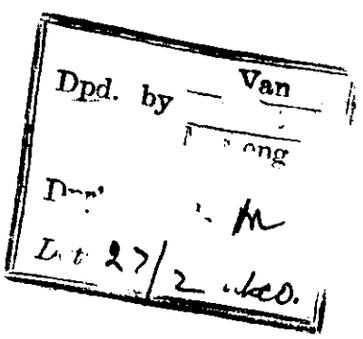
2. The Board is requested to submit its reply at a very early date

23.2.40.

Vide ff. 49-50 ante for 10.[illegible]

Hw. 23/2

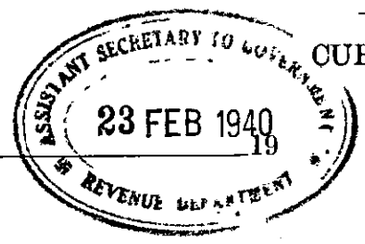
To the Board of Rev.



C.F. 31—17,006—9-2-37.

DEPARTMENT.

CURRENT No. 787 G



Received 19 *Registered* 23/2 19

Subject.

Lands and buildings (Bellary) Bellary taluk and town -Artesian well - Ownership.

Refce.B/E No. 4910/38-7

Station Madras, *Dated the* ~~22nd February 1940~~ 19

From

S. Venkateswaran, Esq., I.C.S.,
Secretary,

Board of Revenue.

S.V. Ramamurty, Esq., I.C.S., Commr. of Land Revenue.

Read the following paper:-

Memorandum from the Government, Revenue Dept. No.2560 D/38-6 dated 27th February 1939.

Letter from A.D. Crombie, Esq., C.I.E., I.C.S., Collector, Bellary, Ref. C.No.1094/39 dated 1st December 1939.

do. do. Ref.C.No.5512/39 dated 7th February 1940.

Reference:

The Board submits the following report with reference to paragraph 2 of the Government memorandum cited above.

In his letter No.C. 2690/38 dated 23rd January 1939, the Collector of Bellary (Mr.Scott Brown) stated that the

artesian well connected with the Central Jail and the Alipuram Jail could not be the same as item No.2 under 'wells' in the statement showing the military buildings, etc., submitted with B.P.Mis.No.3504 dated 8th October 1936 for the following reasons:-

(1) Item No.2 under 'wells' is described as 'near B.I. lines' whereas the well connected with the Alipuram Jail and the Central Jail is a long way from any lines or barracks.

(2) Item No.2 under 'wells' is described as an uncovered well with a trough, whereas the well connected with the jails is a very large, square stone well covered, a short distance above water level, with corrugated iron sheets.

(3) The value of item No.2 under 'wells' is shown as Rs.500, materials only, whereas the well connected with the jails would have cost at least Rs.6000/-.

The Collector now reports that the artesian well connected with the Central Jail and the Alipuram Jail is situated in S.No.519A and that as there is only one artesian well in S.No.519 A item No.2 under 'wells' in the statement showing military buildings etc. submitted with B.P.Mis.No.3504, dated 8th October 1936 must be the same as this well.

As regards the discrepancies in description and valuation referred to above, the Collector states that, while furnishing the particulars of military properties with his office C.No. 4059/35, dated 15th September 1936, the description furnished in the list communicated with the Government memorandum No.738 D/36-1 Revenue, dated 9th March 1936 was adopted. He also stated that the Inspector-General of Prisons ordered the

the linking of the Central Jail with the artesian well in 1922 and that the covering of the well with corrugated iron sheets etc., was probably done while linking the well with the Central Jail. Presumably the Military Estates Officer did not take these improvements into account in describing the well in his list of military properties communicated with the Government Memorandum dated 9th March 1936 referred to above.

As regards the value of the well the Collector states that he previously reduced the figure from Rs. 6822 (estimated by the Military Estates Officer) to Rs. 500/- as it was definitely ascertained through the Tahsildar that there would be no bids for tanks and wells and as the item could be sold for materials only the value of which was estimated at Rs. 500/-. He adds that the value adopted by the Military Estates Officer, viz., Rs. 6822/- appears to be the book value without making allowances for depreciation etc. The Board observes that the Military Estates Officer's valuation is not far different from Mr.Scott Brown's.

In the circumstances, the Board agrees with the Collector that the well connected with the Central Jail and the Alipuram Jail may be taken to be the same as item No.2 under 'wells' in the statement showing Military buildings etc., submitted with B.P.Mis. 3504 dated 8th October 1936.

22.2.37

for Secretary.

To the Secretary to Government, Revenue Department.

VN/22.2.

G.O. 15336/38

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113

Followed on 20/4

14: Adv

Home Dept

Memo No. 15336G/38-18 Dt 1-3-40

Jails – Bellary district – Certain properties – Alipuram Tank, Artesian well & Fort Ditch – Ownership

Refce: Correspondence ending with the I. G's letter No. 5621/52/37 Dt 31-1-40

—

The attention of the I. G. is invited to the list at pp 69-70 of the file of correspondence forwarded with his letter cited above, and he is requested to explain the meaning of the numbering shown in col. 1. of that list. The articles are numbered 10/1, 2 etc and 15/1, 2 etc; it is presumed that the plant purchased was composed of two sets of articles – one numbered 10 and the other 15.

2 The I. G. is also requested to forward for perusal & return, the original of the Annual Return of Temporary Buildings at Bellary forwarded to him with G.O. No 1240 I. G. Dt 10/4/37.

(PTO) NO

p 71 cf

T7

Rem Scraps note on p 45 ante

cf – B & Rem Scraps note on p 44 ante

Please see also p 57 (S) pp 75-76 (T)

To the I. G. of Prisons (with the file of Correspondence at (T) to be returned with reply)

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No 1240 Lond (S1) 10. 4. 24

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W(1)

BR.

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SM
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PW
25/2

Rdm 8/4

To

The Sh of Brisons

(with multiple copy
correspondence
at (TT) to be
read concurrently)

Prd. by Von
with enclls
Date 2. 3

C.F. 31—17,006—9-2-37.

R E V E N U E **DEPARTMENT.**

CURRENT No. 1037G

Received 10 MAR 1940 19 *Registered* 11-3-40 19

Subject. Land and Buildings - (Bellary) - Bellary taluk - Alipuram tank - Disposal.

Refce. No.B./E. 4910/38-8.

Station Madras, *Dated the* 9th March 1940.

From
S.Venkateswaran, Esq., I.C.S.,
Secretary,
Board of Revenue.

S.V.Ramamurti Esq., I.C.S., Commissioner of Land Revenue.

Read the following papers:--

I.

Memorandum from the Government, Revenue Department, No.2560 D/38-6, dated the 27th February 1939.

II.

-do- -do- No.2560 D/38-9, dated the 15th April 1939.

III.

Letter from A.D.Crombie, Esq., C.I.E., I.C.S., Collector of Bellary, Ref.C.No.1094/39, dated the 1st December 1939.

IV.

Memorandum from the Government, Revenue Department, No.2560 DG. 38/19, dated the 23rd February 1940.

Reference.

In their Memorandum just cited above, the Government

referred to the value of the Alipuram tank, viz. Rs.1752-2-0, previously reported by the Collector and enquired what exactly this sum represented and whether it included the market value of both the land and the structures on it. They also called for a copy of the statement referred to by the Collector.

2. The Board submits that the statement referred to above is the same as the one submitted to the Government with B.P. Mis.No.3504 dated 8-10-36. The amount of Rs.1752-2-0 represents the market value of the land measuring 175.21 acres covered by the tank at Rs.10/- per acre.

3. As regards the market value of the site of the tank and the structures on it, the Collector reports that the value referred to in B.P.Mis.No.235 Confdl., dated 24-1-29 is only the approximate value allowing 60% depreciation on the book value of the property, as suggested by the then Executive Engineer, Bellary. He has now obtained a detailed estimate of the cost of the structures from the Executive Engineer, Bellary. The estimate, together with a copy of the Executive Engineer's letter explaining the details furnished therein, is herewith enclosed. The Collector states that the Executive Engineer's valuation of the structure at Rs.12,140/- appears to be reasonable and may be accepted. The Board agrees with the Collector. In regard to the market value of the site, the Executive Engineer has adopted the Collector's previous valuation of the land at Rs.10 per acre. He has reported that the extent of the water spread area of the tank is 259 acres, but the Collector states that the extent of land belonging to the Military authorities covered by the Alipuram tank is only 175.21 acres. Presumably the water spread area calculated by the Executive Engineer, Bellary includes either Local Government lands or private holdings or both. The

p. 44 g.o (c)

military authorities are entitled to the market value of 175.21 acres only, viz. Rs.1752. The Collector therefore states that the value of the tank is Rs.12,140 plus Rs.1752 = 13,892.

4. With reference to the Government Memoranda, dated 15-4-1939 and 23-2-1940 cited above, the Board submits the following particulars of the amounts spent up to date by the Madras Government for the improvements of the tank:-

1/p 5-5 and 72-73 note

(1) Pipes, Engine, Pumps and all subsidiary works in 1924 (G.O 746 W, dated 9-7-1924) Rs. 1,20,000

(2) Construction of settling tank etc. in 1927 (G.O No 594 W., dated 15-3-1927). Rs. 15,000

(3) Repairs to the tank and supply channel in 1935-36. .. Rs. 9,270

Total.. Rs.1,44,270

The other structures, the value of which will have to be paid to the Govt. of India if the tank is taken up for the use of this Government, are the existing bund, revetment, surplus work and sluice referred to by the Executive Engineer and their present value as stated above, is Rs.12,140.

for Secretary.

To the Secretary to the Government, Revenue Department with an estimate and a copy of the Executive Engineer's letter, dated 20/23-11-1939.

A.S.R./9-3.

P&L 39-3 NH

Copy of letter No.3283 G/B.212 dated 20/23, November 1939 from the Executive Engineer, Bellary Division to the Collector of Bellary.

Subject:- Bellary Taluk and town - Allipuram Tank - Valuation.

Refce:- Your Ref.A2 No.1094/39, dated 14-3-1939.

It is an extremely difficult matter to determine exactly the present value of the site and the structure of the Alipuram Tank, as it is a work the cost of which cannot be evaluated like buildings. Since a valuation is now desired, the cost has now been worked out for the existing bund, revetment, surplus work and sluice with reference to the current schedule of rates. The total value of these structures works out to Rs.46,000 - vide separate detail estimate enclosed.

2. The above value cannot be taken as the present value of the tank, as some allowance has to be made for the silting up of the tank bed. It is seen from G.O.No.3609 W dated 14-11-88 that the Alipuram tank was constructed in 1872 with the object of improving the water supply of the cantonment. Taking the age of the tank as 66 years and allowing a depreciation of 2% per annum the present value works out to Rs.12,140. This depreciation is calculated on every previous year's valuation and is worked out by the formula noted in a separate sheet.

3. The land occupied by the bund is 5.4 acres from F.T.L. up to outer toe of the bund and the area of waterspread up to F.T.L. is 11.06 million square feet which works out nearly 254 acres. So the total land or site occupied by the structure is 259.4 or 259 acres. The cost of this at Rs.10/- per acre (at the rate as reported by you in 1936) comesto Rs.2590

The total cost of the structure and site is therefore 12140 plus 2590 or Rs.14730.

4. In connection with the proposal to dispose o

/85/

all military properties in the Bellary Cantonment in 1927, the Military authorities furnished a statement showing therein the value of each building in their possession. In this statement the value of Alipuram tank with bund, sluice tower and water weir has been given as Rs.1,29,504. Allowing a depreciation of 54% they have fixed the net value as Rs.59,572. When the Plassey barracks and Wellesley lines were purchased by the Provincial Government in 1927, the then market value of them was fixed at 25% of the value fixed by the military Authorities. If on the same analogy the value for the tank is fixed, it works out to Rs.59,572/4 or Rs.14,893 which almost tallies with the value worked out in para. 3 above.

5. In view of the difficulty to fix a valuation for a tank having no irrigation, I am of opinion that Rs.14,800 may be taken as the present value of the Allipuram tank and site.

6. It is clear that the structure of the water works such as settling tanks, filters and pumps is not included in these valuation. No amount is, therefore, payable to Military Department for these structures as they were done out of Local Government's funds.

7. I invite your kind attention again to my No.150-C, dated 7-6-39. Whether any cost is really payable to Military Department may be decided by you and the Government.

8. As full study has to be made of the old files and fresh levels taken of the bund for valuation, an earlier disposal was not possible which is much regretted.

ALIPURAM TANK - BELLARY.

Depreciated value of the tank:

$$P = C \left(1 - \frac{r}{100}\right)^{n}$$

where P = present value or

C = Original cost or estimated cost of construction at current schedule of rates.

r = Rate of depreciation percentage

n = The life of the structure in years.

In the present case $P = 46000 \left(1 - \frac{1}{100}\right)^{66}$

$= 46000 \ (0.98)^{66}$

= Rs 12140

12/-

Executive Engineer,
Bellary Dn. Bellary.

22/11/39

Allipuram Tank.

Areas of cross Sections:--

C.S.No. 1 at 300' left of Weir

10. x 4.6 x ½	23.00
$\frac{4.6 + 4.7}{2}$ x 1	4.65
$\frac{4.7 + 4.7}{2}$ x 2	9.40
.4.7 x 7 x ½	16.45
Total.	53.50 or 54.00 Sft.

C.S.No.3 at 708' from starting point:

1.54 x 10/2 ..	7.70
$\frac{1.54 + 6.80}{2}$ x 16	66.72
$\frac{6.80 + 7.00}{2}$ x 2	13.80
$\frac{7.00 + 6.80}{2}$ x 2	13.80
$\frac{6.80 - 4.25}{2}$ x 6	33.15
$\frac{4.25 \times 4.25}{2}$	9.03
Total.	144.20 or 144 Sq.ft.

C.S.No.4 at 1208'.

$\frac{10.92 \times 30}{2}$	163.80
$\frac{10.92 + 11.12}{2}$ x 3	33.06
$\frac{11.12 + 10.72}{2}$ x 3	32.76
$\frac{10.72 + 8.02}{2}$ x 8	74.96
$\frac{8.02 + 3.52}{2}$ x 8	46.16
$\frac{3.52 \times 3.52}{2}$ Total	6.20 357.54 or 358 Sq.ft

C.S. No. 5 at 1708'.

1.12 x 7 x ½	3.92
$\frac{1.12 + 12.52}{2}$ x 30	204.60
$\frac{12.52 + 12.92}{2}$ x 3	38.16
$\frac{12.92 + 12.72}{2}$ x 3	38.46
$\frac{12.72 + 11.97}{2}$ x 5	61.73 ~~89.16~~ 89.16
$\frac{10.32 + 4.08}{2}$ x 8	57.60
$\frac{4.08 \times 4.08}{2}$ Total.	8.33 501.96 or 592 Sqft.

C.S.No.6 at 2208'

14 x 3.50 x ½	24.50
$\frac{3.50 + 7.16}{2}$ x 14	74.62
$\frac{7.16 + 18.56}{2}$ x 30	385.80
$\frac{18.56 + 18.96}{2}$ x 3	56.28
$\frac{18.96 + 18.76}{2}$ x 3	56.58
$\frac{18.76 + 16.36}{2}$ x 12	210.72
$\frac{16.36 + 10.12}{2}$ x 7	92.68
$\frac{10.12 \times 10.12}{2}$ Total	51.21 952.39 or 952 Sq.ft

C.S.No.7 at 2708.

6.25 x 20.8 x ½	65.00
$\frac{6.25 + 18.35}{2}$ x 30	369.00
$\frac{18.35 + 18.45}{2}$ x 2	36.80
$\frac{18.45 + 18.47}{2}$ x 3	55.38
$\frac{18.47 + 15.78}{2}$ x 8	137.00
$\frac{15.78 + 9.90}{2}$ x 8	~~102.72~~ ~~142.72~~
$\frac{9.9 \times 9.9}{2}$ ..	49.01
Total	~~854.91~~ or ~~855 Sq.~~ ft. 814.91 or 815 Sqft

C.S. No.8 at 3208.

10.4 x 1.98 x ½	10.30
$\frac{1.98 + 5.23}{2}$ x 22	79.31
$\frac{5.23 + 12.16}{2}$ x 25	217.38
$\frac{12.16 + 23.06}{2}$ x 30	528.30
$\frac{23.06 + 23.71}{2}$ x 4	93.54
$\frac{23.71 + 23.46}{2}$ x 4	94.34
$\frac{23.46 + 21.36}{2}$ x 8	179.28
$\frac{21.36 + 14.96}{2}$ x 7	127.12
14.96 x 15 x ½	112.20
Total	1441.77 or 1442 Sq.ft

P.T.O

C.S.No. 9 at 3708'

$\frac{0.78 + 9.46}{2}$	x 40	204.80
$\frac{9.46 + 22.76}{2}$	x 30	483.30
$\frac{22.76 + 24.26}{2}$	x 10	235.10
$\frac{24.26 + 23.96}{2}$	x 15	361.65
$\frac{23.96 + 23.11}{2}$	x 5	117.68
$\frac{23.11 + 21.51}{2}$	x 5	111.55
$\frac{21.51 + 14.91}{2}$	x 9	168.89
$\frac{14.91 \times 14.91}{2}$		111.15
	Total.	1789.12
	or	1789 Sq.ft

C.S. No.10 at 4208.

$\frac{0.60 + 13.45}{2}$	x 40	281.00
$\frac{13.45 + 14.25}{2}$	x 3	41.55
$\frac{14.25 + 14.25}{2}$	x 2	~~14.25~~ 28.50
$\frac{14.25 + 13.45}{2}$	x 5	69.25
$\frac{13.45 + 12.10}{2}$	x 4	51.10
$\frac{12.10 + 5.25}{2}$	x 7	60.73
$\frac{5.25 \times 5.25}{2}$		13.78
	Total	~~531.66 or 532 Sq.ft~~ 545.91 or 546 sqft

C.S. No. 11 at 4708:

$\frac{0.86 + 8.61}{2}$	x 22	104.17
$\frac{8.61 + 8.66}{2}$	x 2	17.27
$\frac{8.66 + 8.46}{2}$	x 2	17.12
$\frac{8.46 + 7.46}{2}$	x 5	39.80
$\frac{7.46 \times 7.46}{2}$		27.83
	Total.	206.19 or
		206 Sq.ft

C.S. No. 12 at 5208.

1.00	x 10 x $\frac{1}{2}$	5.00
$\frac{1.00 + 6.55}{2}$	x 18	67.95
$\frac{6.55 + 6.80}{2}$	x 2	13.35
$\frac{6.80 + 6.70}{2}$	x 2	13.50
$\frac{6.70 + 6.15}{2}$	x 3	19.28
$\frac{6.15 + 0.7}{2}$	x 6	20.55
0.7 x 0.7 x $\frac{1}{2}$		0.25
	Total	139.88 or
		140 Sq.ft.

Executive Engineer,
Bellary Dn.Bellary.

Allipuram Tank.

EARTHWORK CALCULATIONS.

Note:- The lengths adopted are with reference to the L.S. given in plan B.No. 63/33 and areas with ref: to the C.S. furnished by the Supervisor on 1-11-39.

Cross Section No.	Area in Sq.ft.	Total area in Sq.ft.	Mean area in Sq.ft.	Length in feet	Cubical contents	Remarks.
L.S.0	54.00					Area of C.S.1 at 300' left of weir has been taken into account.
		108.00	54.00	200	10,800	
L.S.200'	54.00					Surplus work 100' long.
L.S.300'	54.00					
		198.00	99.00	308	30,492	
C.S.3 at 608'	144.00					
~~C.S.4 at 1108'~~		502.00	251.00	500	1,25,500	
C.S.4 at 1108'	358.00					
		950.00	475.00	500	2,37,500	
C.S.5 at 1608'	592.00					
		1544.00	772.00	500	3,86,000	
C.S.6 at 2108'	952.00					
		1767.00 ~~1807.00~~	883.50 ~~903.50~~	500	441750 ~~45,17,50~~	
C.S.7 at 2608'	915.00 ~~955.00~~					
		2257.00 ~~2297.00~~	1128.50 ~~1148.50~~	500	564250 ~~5,74,250~~	
C.S.8 at 3108	1442.00					
		3231.00	1615.50 ~~1618.50~~	500	8,07,750	
C.S.9 at 3608	1789.00					
		2335.00 ~~2321.00~~	1167.50 ~~1160.50~~	500	583750 ~~5,80,250~~	
C.S.10 at 4108	546.00 ~~552.00~~					
		752.00 ~~738.00~~	376.00 ~~369.00~~	500	188000 ~~1,84,500~~	
C.S.11 at 4608	206.00					
		346.00	173.00	500	86,500	
C.S.12 at 5108	140.00					
		140.00	70.00	592	41,440	
L.S. 5700'	-					

Length of bund .. 5600
Surplus work + 100
Total. .. 5700 ~~35,16,752~~ 3503732

Add for portions unaffected by levels .. ~~4,83,268~~ 496268

Grand total 40,00,000 or 4000.0 Units

14/35

Exec.Engr., Bellary Dn.

22/11/39

72

Name of Taluk. C.F. 151.

Name of Work. Left flank surplus weir of Allipuram Tank.

ESTIMATE FORM—Detail Measurements.

Detail of work. (1)	Number. (2)	Measurements in feet. Length. (3)	Breadth. (4)	Depth. (5)	Area or contents. (6)	Total quantity of each description of work. (7)
1) Earthwork excavatin and reformin, bund						L.
burnt stone in lime mortar 1:2		- 100 cft.				
Front body wall ..	1	96	3'-0"	4'-0"	1323	
Rear wall I footing ..	1	106'	3'-0"	2'-0"	636	
IInd footing ..	1	106	2'-6"	2'-0"	530	
IIIrd footing ..	1	106	2'-0"	2'-0"	424	
In arch returns		L.			1087	
(Section is not available				Total	4 00	
3) Cutstone plain set in mortar:						
Between the walls	1	1 f	12'-0	0'-6"	61	or 620 cft.
4) Coursestone dry packing for apron						
Between the weir		106	11'-0	1'-6"	1749	or 1900 cft.
5) Pointing for body wall						L.
6) Petty supervision and contingencies						L.

Revetment work.

According to the memoir the length of bund is 5600 ft. excluding the surplus weir. The slope of revetment is 1:1 and the top of revetment is at . .L (1556.5). The deep bed level of tank is 1544.50. Assuming that the toe of revetment extends to this level for the entire length of bund, the quantity of revetment works out as follows:

5600 ft x (1556.50 - 1544.00) x 1.4

5600 x 12 x 1.4 = 5600 x 17

= 95,2000 or say 95 units.

15/3/55

Executive Engineer,
Bellary Dn. Bellary.

22/12/89

P.W.D. V-89—71,121—31-5-38.

Data sheet to accompany the estimate for Surplus weir of Allpuram Tank

Quantity.	Description of work.	Rate. Rs.	A.	P.	Per	Amount. Rs.	A.	P.	Total.
1.	Burnt stone in lime mortar 1:2 -- 100 Cft.								
	Rate as per S.I. 71.					23	12	0	
125Cft	Stone lead 2-M,R. road and ½ mile cart track ..	6	2	0	100 Cft.	6	14	0	
25 Cft	Sand lead ½ mile C.T. ..	1	11	7	"	0	7	9	
14 Cft	Lime lead 5 miles road and ½ mile C.T. ..	1	13	4	"	0	13	0	
						31	6	9	
	Less 10%					3	3	3	
						28	13	6	or 28-1-0
2.	Cutstone slab set in cement mortar - 1 Cft.								
	Rate as per S.I. 87-.					0	14	9	
	Less 10%					0	1	6	
						0	13	3	
	For conveyance & setting in mortar					0	3	9	
						1	1	0	or 1-1-0
3.	Rough stone dry packing for apron and revetment - 1.0 Cft.								
	Rate as per S.I. 80					8	1	-	
110 Cft.	Carriage as above	5	8	0	1'0 Cft	6	0	10	
						14	1	10	
	Less 10%					1	6	7	
						12	11	3	or 12-11-0

Executive Engineer,
Bellary in Bellary.

96 A

ESTIMATE FORM—Abstract.

Item number. (1)	Quantity. (2)	Description of work. (3)	Rate. (4)	Per (5)	Amount (6)	Total. (7)
			Rs.		Rs.	Rs.
		SURPLUS WEIR OF ALLIPURAM TANK.				
1.	L.S.	Earthwork excavating and reforming Bund		L.S.	100	
2.	40.00 Units	Burnt stone in lime mortar 1:2	28-13-6	100 Cft	1154	
3.	620 Cft	Cutstone slab set in mortar ..	1/1	Cft	659	
4.	180 Cft	Roughstone dry packing for apron	12/11	100 Cft.	228	
5.	L.S.	Pointing masonry of body wall	L.S.		5	
					2191 or 2200	

17/35
Executive Engineer,
Bellary Dn. Bellary.
8
22/11/39

Grand total of estimate ...

SECTION

Date 198 .

Executive Engineer.

97

P.W.D. V-14—29,956—14-7-[illegible]

E. No. 83

CIRCLE—

DIVISION—

DISTRICT—

TALUKS (OR ESTATE IN CASE OF ESTATE WORKS)

ESTIMATE FORM—Abstract.

Financial head—

Budget head—

Departmental head—

Main head—

Sub-head—

Project of which
the work forms part—

Section—

Name of work—

Amount of estimate, Rs.

To be carried out by—

REFERENCES.

98 - 2

P.W.D. V-39—7,121—31-5-38.

valuation for Allipuram Tank

Data sheet to accompany the estimate for
(Rates as per schedule of rates for 1938-40)

Quantity.	Description of work.	Rate.	Per	Amount.	Total.
1. 1000 Cft.	Earthwork in hard clayey or gravelly soil including breaking clods and sectioning with 2 extra leads and 2 extra lifts:				
	Rate as per S.I.14 B			Rs. A. P. 6 15 0	
	Breaking clods, consolidating and sectioning	0 4 6	1000 Cft.	0 4 6	
	2 extra leads } 2 Extra lifts }	0 3 0	Each	0 12 0	
				7 15 6	
	Less 10% 7-3-6/10			0 11 7	
				7-3-11	or 7-4-
2.	Rough stone dry packing for apron with 10" chips - 100 Cft.				
	Rate as per S.I. 80			8 1 0	
110 Cft.	Lead for conveyance of rough-stone 2 miles road +- ½ mile cart track ..	5-8-0	100 Cft	6 0 10	
				14 1 10	
	Less 10%			1 6 7	
				12 11 3	or 12/11

18/35

Executive Engineer,
Bellary Dn. Bellary.

22/1/39

ESTIMATE FORM—Abstract.

Item number. (1)	Quantity. (2)	Description of work. (3)	Rate. (4)	Per (5)	Amount (6)	Total. (7)
			Rs.		Rs.	Rs.
		ESTIMATE FOR VALUATION OF ALLIPURAM TANK.				
1.	4000.000 Cft.	Earthwork ϕ in hard clayey or gravelly soil with an avera e of two extra leads and two extra lifts ..	7-4-0	1.00 Cft	29,000	
2.	950,00 Cft.	Revetment work 1'-3" thick	12-11-0	100 Cft	12.,5[illegible]	
3.		Surplus weir 99' lon, (as per separate estimate)			2,200	
4.	L.S.	Sluice	L.S.		25[illegible]	
					43,503	
		Contingencies and petty supervision 5%			2,175	
					45,678	
					or say	
					46,000	

Note:- The above value does not include the cost of land occupied by the bund and the land submerged by the waterspread of tank at F.T.L.

19/35
Executive Engineer,
Bellary D. Bellary.
22/11/39

Grand total of estimate ...

STION

s/o 198 .

Executive Engineer.

P.W.D. V-14—29,956—

E. No. 25

101

CIRCLE—

DIVISION— } Bellary

DISTRICT—

TALUKS (OR ESTATE IN CASE OF ESTATE WORKS)

Bellary

ESTIMATE FORM—Abstract

Financial head—

Budget head—

Departmental head—

Main head—

Sub-head—

Project of which the work forms part—

Section—

Name of work— Valuation of Alipmam Tank.

Amount of estimate, Rs. 46000/-

To be carried out by—

REFERENCES.

112

C.F. 80.

JAIL DEPARTMENT.

12730G/40
26/4/40

Received ..... 19 . Registered 19

Subject.

Jails - Bellary District - Certain properties - Alipuram tank - Artesian well and Fort Ditch - Ownership - Reference: Government Memorandum No.15336-G-38-18, pp78-79 ante Home, dated 1st March, 1940.

ENCLOSURES.
No. .....
.....
Spare copies.....

No. R.O.C.5621-S2/37

Station MADRAS, *Dated the* 23rd April 19 40.

From (Name) Lieut-Col.S.C.Contractor, M.B., I.M.S.,
(Designation) Inspector General of Prisons,

To The Secretary to the Government of Madras,
HOME Department.

Sir,

It is observed from the Annual return of Temporary Buildings at Bellary Hospet Etc., that item No.10 relates to water supply and that there are 24 component parts in that item. Item No.15 relates to machinery and boilers and comprises 10 other items. Thus it is evident that the list at pages 69-70 of the file of correspondence herein enclosed consists of two sets of articles - one numbered 10 and the other 15.

2. The original of the Annual Return of Temporary Buildings at Bellary, Hospet etc. is submitted

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submitted herewith for perusal and favour of return.

Lieut-Col., I.M.S.,
Inspector General of Prisons.

S.25/4

(clean copy ad=p 106 infra)

Home Deptt.

C. 15336 C/38 Memo. No. 15336 C/38-33 dt 6-2-42

Jails - ~~Alipuram~~ Bellary — Water supply arrangements — Alipuram tank and Artesian well — Acquisition — Reference G. O.'s letters No. Roc 5621-52-37 dt 23-4-40 and 14-12-40.

The G. O. of Prisons is ~~requested to state clearly how each institution hooked on the Alipuram jail Buildings, Bellary, is at present being watered~~ informed that the artesian well belonged to the Sat Ghadi at the time it was sold to Mr. A. Doyle in 1938 and that if it is required for the

G. O. of Prisons ✓ [R. O. one month]

4/2/42

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use of medical dept, it should be acquired under the L.A Act.
The Dept is requested to state clearly how each of the four institutions at Bellary (Central Jail, W.S. Jail, Alipuram Jail and the Juv. Cent. School) gets its water supply at present and to express a definite opinion as to whether or not there is any necessity for the well also acquired for Jail purposes.

pm
5.2.52

To the Superintendent
Central Prison
Bellary
(Keep copy of the order in the Guard file).

106

Revenue Department.

Letter No. 2560 D/38-36 dated 7-3-1942

Encl.
1) paras 1 and 2 at-
pp 84 C.B
2) pp 86 and 100 C.B

To

The Secretary to the Government of India,
Defence Department.
(with encl)

Sir,

Land and buildings - (Bellary) - Alipuram tank etc., - Ownership.
From the Government of India, Defence Department, No.842-L/D.4., dated 3-5-1938.
Letter No.2560-D/38-11, dated 11-5-1939, to the Secretary to the Govt. of India, Defence Department.
From the Government of India, Defence Department, No.1941-L/2.D.4., dated 20-12-1939.

.....

I am directed to refer to the correspondence resting with Col. Paterson's second letter quoted above, and dealing with the ownership of the following properties at Bellary.

(1) Alipuram Tank,

(2) Fort Ditch,

(3) Artesian Well No.2.

Item 1 - Alipuram Tank: In continuation of Mr. Holdsworth's letter dated 11-5-1939 quoted above, I am to say that this Government desire to purchase the rights of the Central Government in the Alipuram Tank. It is reported that the tank covers 175.21 acres, and that the value of the land covered by it at Rs.10 (ten) per acre is Rs.1,752 (one thousand seven hundred and fifty two). The structures on the land which were erected by the Government of India are the existing bund, revetment surplus work and sluice. These are valued by the Executive Engineer after allowing for depreciation at Rs.12,140 (twelve thousand one hundred and forty)

A copy of his letter and of his calculation sheets are enclosed. I am to request that the tank may be transferred to this Government for Rs.13,892 (thirteen thousand eight hundred and ninety two).

Item (2): Fort Ditch: I am to say that this Government accept the ownership of the Central Government in this item, and that they do not wish to purchase it from the Government of India.

Item (3): Artesian Well, No.2: I am to say that this Government accept the ownership of the Central Government in the actual well and are considering whether it should be acquired from Mr. Ingle to whom it was sold by the Central Government and that this Government will proceed to acquire it from him under the Land Acquisition Act if it proves necessary for this Government to have the well.

I have etc.,

Copy to the Board of Rev., with reference to its Refce.No.B/E/4910/ 38-8, dated 9-3-1940.

V.E.

Confidential

GOVERNMENT OF MADRAS
(Home Department).

ASST. SECRETARY TO GOVERNMENT
5 MAY 1942
REVENUE DEPARTMENT

Memorandum No.7571 C/42-4 dated the 1st May 1942

Jails - Bellary - Water supply arrangements - Artesian well - Acquisition.
Reference correspondence ending with letter from the Collector of Bellary Roc. No.1027/42-B.6 dated the 21st April 1942.

The Collector of Bellary is informed that the Government have decided to acquire the artesian well in question, making the Mission authorities an allowance of about 7000 gallons of water a day for their needs. He is requested to negotiate with the Mission authorities in the matter obtaining their agreement both as to the daily allowance of water for the Mission and the rate at which Government should charge for it, and the purchase price of the well. A report on these points should be submitted to Government as soon as possible. The well will then be formally acquired in order to ensure Government's title.

2. The Executive Engineer, Bellary should take steps at once to repair the electric pump which is now used to pump water from this well and to bring it into proper working order.

F.V.Williams,
Secretary to Government.

To the Collector of Bellary
Inspector General of Prisons with reference to his No.5621/S2/37 dated 28.4.42.
Executive Engineer, Bellary with reference to his letter No.101 C dated 17.4.42 to the Collector of Bellary.

To the Chief Engineer (General).
" " Public Works Department.
" " Revenue Department.

Forwarded/By order.

Superintendent.

Does this not close our file?

To D.S.

Please see the Home Memo. on the reverse and Secretary's Query above. It will be observed from the note at pp 72-73 N.F. of the file below, that the file deals with the question of ownership of the Alipuram tank and the Fort Dutch as well as that of the Artesian Well in Bellary. A reply from the Govt of India to the letter at pp 106-107 C.F is awaited. The Home memo. does not therefore close this file. No action is necessary on the memo. It may be communicated to the Board and added to the file below. The Endt. below is for approval.

To the Board of Rev. (after issue) Endt No. 2560 D.9/135-37, dated 7-5-42
& with copy of memo. Communicated to the Bd. of Rev.

Cantonments/Lands. No. 5810-L/D.4. Government of India.
Defence Department. Simla, the 17th August 1942.

To,

The Secretary to the Government of Madras, Revenue Department.

Disposal of surplus military lands at Bellary (Alipuram Tank).

Sir,

In continuation of Defence Department letter No.4801-L/D.4, dated the 9th July 1942, I am directed to convey the sanction of the Governor General in Council to the transfer of the Alipuram Tank at Bellary to the Government of Madras at a total cost of Rs.13,892/- (rupees thirteen thousand eight hundred and ninety two).

2. The sale proceeds should be credited to the old Main Head VIII - M.E.S.- Receipts, sub-head E - Receipts from the sale of surplus Military Lands and Buildings.

3. The draft deed of sale should be forwarded to this Department for approval.

I am, Sir,
Your most obedient servant,

Colonel,
Director, Military Lands and Cantonments.

No. .....

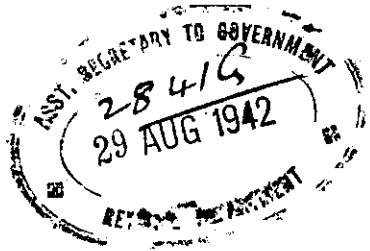
No. 5810-L/1/D.4.

Copy of the above forwarded to the Financial Adviser, Military Finance, with reference to his u/o No.10052-Q of 1942, for communication to the Director of Audit, Defence Services, the Assistant Director of Audit, Defence Services and the Controller of Military Accounts, Southern Army.

The Deputy Director, Military Lands and Cantonments, Southern Army, with reference to his No.22519-III/M.L.C., dated the 10th July 1942.

Colonel,
Director, Military Lands and Cantonments.

NH.



No. S / 16 / 395 / L.C.
Office of the Mily. Estates Officer,
Madras Circle,
Wellington, Dated the 28th August '42.

To

The Secretary to the Government of Madras,
Revenue Department, Ootacamund.

Disposal of surplus military lands at Bellary (Alipuram Tank).

Sir,

Reference Government of India, Defence Department No.5810-L/D.4 dated the 17th. August 1942 to your address.

2. The sum of Rs.13,892/- may please be passed to the C.M.A., Southern Army, Poona and the fact intimated to this office.

3. The draft deed of sale may please be forwarded to this office for transmission to the Govt. of India, Defence Department.

I have the honour to be,
Sir,
Your Obedient Servant,

Lt-Col,
M. E. O., Madras Circle.

AVN.
27/8.

Read also:-

cf C No. 2560 DG/38	From the Govt of India, Defce. Dept No. 842-L/0 4 dt 3-5-38
cf	From the M E O, Madras circle, No. S/16/291/14-C dt 19-5-38
-22 cf	To " Board of Rev, Memo. No. 2560 DG/38-3 dt 2-7-38
-24	To " " " " 2560 DG/38-4 dt 2-7-38
cf	From " " Ref B/E. No. 4910/38-2 dt 9-2-39
49-57 cf	To " " " Memo No. 2560 DG/38-6 dt 27-2-39
cf	To " " " " 2560 DG/38-9 dt 15-4-39
64 cf	To " Govt of India, No. 2560 DG/38-11 dt 11-5-39
cf	From " " " 1941 L/2-5-4 dt 20-12-39
cf	To the D.G. of Prisons Memo No. 15336 G/38-11 dt 26-1-40
cf	From the " R.O.C 5621/S2/37 dt 31-1-40.
cf	To the Board of Rev., Memo. No. 2560 DG/38-19 dt 23-2-40
cf	From " Ref. B/E No. 4910/38-7 dt 22-2-40
cf	To " D.G. of Prisons, Memo. No. 15336 G/38-18 dt 1-3-40
80-82 cf	From the Board of Rev, Ref B/E 4910/38-8 dt 9-3-40.
pp 102-103 cf	From " D.G. of Prisons No. R.O.C 5621-S2/37 dt 23-4-40
pp 104-105 cf	To " Memo. No. 15336 C/38-33 dt 6-2-42

K/115 25/22-9 KRN

To the Govt of India, ~~Letter~~ No 2560 09/38-36 dt 7-3-42
" " Coll of Bellary Memo. No 7579 C/42-4 dt 1-5-42
From " Govt of India No. 5810 L/04 dt 17-8-1942
From the M.E.O., Madras circle No. S/16/395/M.C dt 28-8-42

G.O.Ms No 2122 dt 22-9-42

A copy of the letter from the Govt of India before sept last read above is forwarded to the Board of Rev.

Action is being taken separately to provide the necessary funds and ~~this sum should be~~ credited (the sale amount) to the Govt of India under the old Main Head VIII - Receipts, Sub-head E. Receipts from the sale of Surplus Military Lands and Buildings.

3. The Board of Rev ~~should~~ is requested to submit a draft Sale deed in respect of the transfer of the

C.Bc III/42
15-2-43.

CRE III/ii
15.2.1943

116

5

to

Alipuram tank, Bellary ~~for~~ ~~be~~ forwarded
to the Govt of India for their approval.

22.9.42

To the Board of Rev with copy of Govt of India's letter as printed
To the Home dept
Copy to the 14 E O with C L.

RO
20/9/42

PK.
21/9/42

Abdul Wahid
to
27/9/42

3243 G. G3. 67/5/10 GOVERNMENT OF MADRAS

HOME DEPARTMENT

Memorandum No.23010.C.2, dated 28th September 1942.

---

365 SE

Jails - Bellary - Alipuram jail and Junior Certified school - Water supply - Alipuram tank - Purchase from Government of India - Provision of funds.

The Governor General in Council has sanctioned the transfer of the Alipuram Tank, with the structures on the land, to the Government of Madras at a total cost of Rs.13,892 (rupees (13892) thirteen thousand eight hundred and ninety two). As the purchase of the tank is to secure adequate source of water supply to the Alipuram jail and the junior certified School at Bellary, the expenditure should be debited to "28.jails and Convict Settlements-a.jails - C.Central Jails." The Inspector General of Prisons is requested to state whether he can meet the expenditure by re-appropriation from savings within the grant and if not to apply to Government in the 1st week of February 1943 for supplementay appropriation, taking into account the actuals upto the end of Janurary 1943, with reference to the instructions in paragraph 106 of the Madras Budget Manual.

C.F.V. Williams,
Secretary to Government.

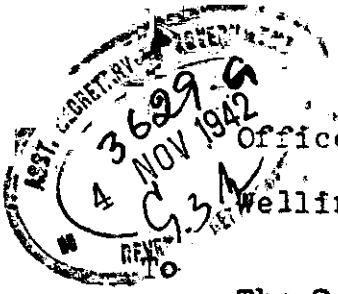
To

The Inspector General of Prisons.
The Finance Department
The Revenue Department

Forwarded/(By order)

Superintendent

120



No. S / 16 / 397 / M. C.
Office of the Mily. Estates Officer,
Madras Circle,
Wellington, Dated the 3rd ~~October~~ November 1942.

The Secretary to the Govt. of Madras,
Revenue Department, Stonehouse Hill,
OOTACAMUND.

Disposal of surplus military lands at Bellary (Alipuram Tank).

Sir,

I have the honour to invite your attention to the correspondence ending with your letter No. Ms.2122, Rev., dated the 22nd September 1942 and to enquire when the draft sale deed may be expected.

2. Please also state whether the amount in question has since been passed to the C.M.A., Southern Army, Poona.

I have the honour to be,
Sir,
Your Obedient Servant,

Lt-Colonel,
Military Estates Officer,
Madras Circle.

Copy to : -
The D.D., M.L.& C., S.A., Poona.
Ref. his No.23519-III/C/M.L.C., dated 22.8.1942.

29/10-11 2/12

Letter No 3629 G1/42-1 & 10-11-1942

To The M E O, Madras circle ✓ Dkd 12.11
Wellington

Sir, —

Land and buildings - Bellary - Bellary town - Alipuram Tank - Purchase from the Govt of India. — Your letter No. S/16/397/H.C & 3-11-42.

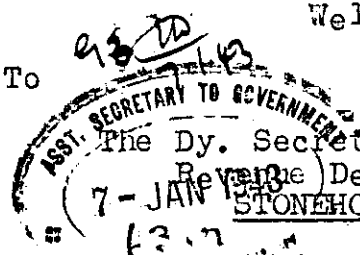
I am directed to state that the Receipt of the draft sale deed from the Board of Rev is awaited and that action is being taken to provide the necessary funds and to credit the same to the Govt of India.

10.11

Copy to RD (with copy of letter at p 1 ante) — ✓ RD 8/11/42 Dkd 12.11
Copy to D.G. of Prisons Hiro Home (with copies of letter at p 1 ante)

C.F. 10/11

No. S , 16 / 399 / M. C.,
Office of the Military Estates Officer,
Madras Circle,
Wellington, Dated the 6th January 1943.



To

The Dy. Secretary to the Government of Madras,
Revenue Department,
STONEHOUSE HILL.

Disposal of surplus military lands at Bellary (Alipuram Tank).

Sir,

I have the honour to invite your attention to the correspondence ending with your letter No.3629-G/42-1, dated the 10th November 1942 and to enquire how the matter now stands.

I have the honour to be,
Sir,
Your obedient servant,

Lt.-Col.,
M. E. O., Madras Circle.

VPMK/5-1.

Copy for information to the D.D., M. L. & C., Southern Army, Poona, with reference to his No.23519/III/C/M.L.C., dated the 30th December 1942.

10/11-1

123

Rev Sec

Letter No. 630/43-1 dt. 11-1-1943

To The M.E.O, Madras Circle, Wellington

Sir,

Land and buildings - (Bellary) - Bellary town - Alipuram tank - Purchase from the Govt. of India - Your letter No. S/16/399/M.C dt. 6-1-43

The draft sale deed has been received from the Board of Revenue and is being examined. It will be sent to you for being forwarded to the Govt. of India for their acceptance.

2. Action is being taken to provide the necessary funds and to credit the amount to the Govt. of India.

Yours etc.

Copy to the Board of Revenue (with copy of letter at page) Rev 9.1.43

Copy to the Dy. of Pensions Trust Home. (with copy of letter at page)

Revenue Department

C.No.2560 B/38.

Land -(Bellary) - Allipuram Tank - Ownership - Disposal.

From the Government of India, Defence Dept. No.842-L/D-4, dated 3-5-38.

To A.S.

Please see the letter from the Government of India and its enclosures in the current file. Attention is invited to pages 4 to 5 and 19 of G.O. No: 389 W dated 1-5-1922 and para 2 at page 27 of G.O.No.126 Revenue dated 20-1-1931 from which it will be seen that what was purchased by this Government from the military authorities in 1922 for the purpose of the Jail Department is the water-supply plant in the Fort Ditch at Bellary ~~which was erected by the military authorities~~ for supplying water to the Allipuram Jail. The Allipuram tank which is another source of water-supply to the Allipuram Jail lies in a separate Revenue village - Kolegal - and does not lie within the limits of the old cantonment of Bellary. It bears S.No.854 of Kolegal village and measures 175.21 acres. This does not appear to form part of the property which was purchased by this Government from the military authorities in 1922. ~~When~~ The water-supply plant alone was purchased and no portion of the Fort Ditch was ~~also~~ purchased along with it. In 1931 at the request of this Government, the Government of India transferred to this Government an extent of about 1 acre of land in ~~which~~ the Fort Ditch in which the sump is situated and which was considered as ~~as being~~ necessary for drawing water from the Ditch.

2. In 1927 in connection with the proposal for the ~~to~~ purchase, from the Government of India, of a portion of the old Bellary Contonment, consequent on the evacuation of the contonment by the Military, this

Government obtained from the G.O.C.-in-Chief, Southern Command, a list of lands and buildings in Bellary which were claimed to be military properties. The Alipuram Tank (with its bund, sluices and weirs) was one of the items included in that list. The Board of Revenue which was asked to examine the claim of the Government of India to the properties mentioned in that list reported that the Alipuram tank was situated in S.No.854 of Kolegal village (outside the limits of the cantonment), that it was in the occupation of the cantonment authority on 1-4-21 and that it was being occupied by the Jail Department in 1928. The Board also reported that the Officer Commanding Madras District, informed the Collector that the tank was sold to this Government in 1922 for Rs.25,000. The question of taking up the Alipuram tank from the Government of India was not therefore considered. Again in 1930 the Government of India forwarded a list of lands and buildings in Bellary which they were prepared to surrender. The Alipuram tank was included in this list also. Investigation was made whether any of the properties mentioned in that list (other than certain buildings which were already proposed to be taken up by this Government) were required for the purpose of any departme of this Government. None of the properties was required and the Government of India were informed accordingly. The Government of India desired that the properties (except some of them) might be sold by this Government on their behalf. Instructions were accordingly issued to the Board of Revenue to sell the properties. The Alipuram Tank was however ordered to be excluded from the properties to be sold. The tank and the structures thereon thus came to be regarded as the property of this Government.

3. In 1936 the M.E.O. Madras Circle, included the Alipuram tank and the structures thereon in the list

list of military properties ~~in this presidency~~ in the Madras Presidency available for disposal. He was informed that the tank was transferred to this Government in 1922, that it was not a military property and ~~xx~~ that it was not avqilable for disposal.

4. The Government of India~~xxxxxxx~~ now enquire whether the Government of Madras wish to acquire the tank and if so they require that its market value should be intimated to them. Submitted that the ownership of the property may first be determined with reference to the provisions of Section 172(1) of the Government of India Act, 1935. A report may be obtained from the Board of Revenue as in which Government - Central or Provincial-the property vests. If the property vests in the Central Government the Board may be asked to ascertain and report whether it is required for the purpose of any department of this Government and what its present market value is. If the Jail Department is ~~presumably~~ still occupying the property, the Board may be asked to consider ~~specifically~~ the question ~~whether the property should be taken over~~ of its purchase for the use of the Jail Department ~~in consultation with the I.G. of Prisons~~. A draft O.M. is submitted for approval. It may be sent to the Home Department for acceptance.

17-5-38.

18/5/38

20.5.38

S

25/5

Home

Fin

4

1-15 c.f. From the M.E.O., Madras Circle No. S/16/291/M.C. dated 19.5.38.

To Asst. Secy.

Please see the notes at pp 1-3 ante and the further communication from the M.E.O. Madras Circle at pp 11-15 c.f. The Board may be asked to report whether the Artesian well referred to by the M.E.O. is the same as item No. 2 under "Wells" in the Statement of military buildings submitted by it in October 1936 and whether it forms part of the property purchased by this Govt. in 1922 from the military authorities

A draft memo is also submitted for approval. It may also be sent to the Home and Finance Depts. for acceptance.

16-5-38.

27.5.38

Home

Fin

Res. No. 2560 A/38.

C. 38

SECRETARIAT GOVERNMENT
27 MAY 1938
HOME DEPARTMENT

18609 G

28/5

G

5

HOME DEPARTMENT

Please see the Revenue Department's note on ppi-4 ante. The following remarks seem called for. The present sources of supply of water to the Jails in Bellary are:

(1) The Alipuram Tank

(2) The Fort Ditch &

(3) The Artesian Well.

A dispute has arisen as regards the ownership of items (1) to (3) above. The Chief Inspector has separately reported that in regard to item (3), a notice has been served on the Superintendent of Certified School, Bellary by one Mr. Ingle, Civil Engineer, Bellary stating that certain properties including the artesian well were sold to him by the Govt. of India. The question is separately under consideration. In this file the Revenue Department proposes to address the Board of Revenue to investigate the question of ownership of item (1) and (3) above. The following may be noted as regards the ownership of all the three items above.

Item (1): Alipuram Tank: In G.O.No.389 W, dated 1st May 1922 the Government sanctioned the proposal to purchase from the Military authorities at a cost of Rs.25,000 the water-supply plant required for the camp Jail, Bellary (since abolished). The list of the articles purchased is not traceable and it is not possible to say what exactly were the items that were purchased from the Military authorities. It is, however, observed that as early as 1924, the Superintendent of the Certified Schools, Bellary stated that the claim of the Military authorities to ownership of these 3 items mentioned above was doubtful. In regard to the Tank in particular he stated that the Military Authorities claimed it as their own but that their claim was doubtful,

as the tank was constructed as a famine work (presumably by the Local Government). In their note on page 16 of G.O.702 Law (Genl), dated 3-3-1925 P.W.D. definitely stated that the Alipuram Tank belonged to the Military.

'B' mp 16 q(R)

In 1926-27 the Government of India proposed the sale of certain properties belonging to the Military Department including lands, through the agency of this Government. In that connection the ~~the~~ G.O.C.-in-Chief, Southern Command, Poona sent a list of properties to be sold. The Board of Revenue to which the list was forwarded was asked among other things to investigate the claim of the Government of India to the ownership of the tanks and kuntas. The Board of Revenue obtained a list of lands and buildings proposed to be sold. The final list so submitted is at pp.427-442 of G.O.2444-45 Rev., dated 6-12-1932. It was then stated that the Officer commanding Madras Dt. had stated that the Alipuram tank was sold to the Govt. of Madras --vide also copy of the letter of the Officer Commanding, Madras Dt. wherein he stated that the tank was sold to this Govt. for Rs. 25,000. Alipuram tank is mentioned in item 24 on page 431 of the list. It is observed that on 1-4-21 the Cantonment of Bellary was in possession of the Tank and that the Jail Department was occupying it in 1928. ~~The Government of India would seem to have claimed the tank to themselves.~~ Subsequently the Government of India addressed this Government on the question of sale of lands and buildings ~~in the list~~ and forwarded a list of buildings which they claimed as the property of the Military. The list contained Alipuram Tank! Presumably the Government of India claimed ownership of the tank. That claim was not disputed. The Government of India in 1936 informed

go no. 2444 Rev (L)

H 2-3 q (L)

A' mp 109 (L)

Revised list at pp 427 442 q (L)

B' mp 52 q (L)

A (x) M' mp 59 q -

Vide GOs 576 mp 431 ...

pp 83-84 q (L)

pp 87-98 q (L)

A mp 93, (L)

this Government that the Tank which supplied water to the Jail was also for sale and that it should be sold to private individuals and that if it was to be sold to private individuals, the source of water supply to the Jail would stop. They therefore enquired whether this Government would purchase the tank along with pumps, wells etc. on payment to Military Authorities. This Government then thought that the Alipuram Tank was one of the items purchased in 1922 from the Military Authorities at a cost of Rs.25,000 (referred to at A above) and informed the Government of India that the Tank belonged to this Government and that therefore the disposal of the tank by sale proposed by the Government of India would not arise. The Govt. of India's letter on pp.1-3 c.f. is a reply to this reference. They contend that from the wording of a telegram sent in 1922 it is clear that the Alipuram Tank is not one of the items disposed of in 1922. The Officer commanding seems to have supposed --erroneously-- that the tank was sold to this Government in 1922 for Rs.25,000 whereas what was actually sold was only the water-supply plant. As a matter of fact, it has been definitely stated that the tank belonged to the Military authorities.

As however, the tank in question was in possession of the Jail Department in 1928 as also immediately preceding the commencement of Part III of the Govt. of India Act, 1935, the enquiry which is proposed to the Board of Revenue may be agreed to in this Department.

Item (2) : Fort Ditch: - The ownership of this has not been disputed, but the Govt. of India would seem to claim it also. The Chief Inspector of Certified Schools has suggested that it is necessary to establish the rights of

ownership of this also. In his letter dated 28th October 1922 the Collector of Bellary has stated that the Fort Ditch belonged to the Military authorities though the supply has been made over temporarily to the Jail Department. It does not seem that the claim of the Military to this property can be disputed. From the list submitted by the Collector of Bellary, it appears that this item (item 30 on page 431) was also in the occupation of the Cantonment on 1-4-21 and in the occupation of the Jail Department in 1928. Since this was in possession of the Jail Department in 1928, and also immediately before the date of commencement of Part III of the Govt. of India Act, 1935 it seems that the Govt. of India's right for this may also be investigated.

Item (3): The Artesian Well:- The Superintendent of Certified School, Bellary, expressed the doubt as to the claim of the Military authorities, In his note dated 19-11-23, the Chief Engineer stated that the Artesian well was purchased by the Jail Department from the Military authorities for 25,000 rupees. In 1925, the I.G. of Prisons reported that the pumps and other fixtures were purchased from the Military authorities and as such they belonged to the Jail Department and that the Military had no claim over them and as it was doubtful if they had any claim of the possession of the actual well. This Government since then seems to have proceeded on the assumption that the Artesian well belonged to the Provincial Govt. In the list furnished by the Board of Revenue in item 33 on page 433 of G.O. at , certain wells are mentioned which appear to have been in

possession of the Military department both on 1-4-21 and in 1928. It is stated therein that the Artesian well was valued (as required by the Govt. of India for effecting a sale). It means presumably that the Govt. of India wanted to sell that also assuming that it was also in their ownership.

From the telegram at pages 10-11 of G.O. 389 W, dated 1-5-22 it does not appear that the Artesian well was also included in the bargain. C.I now says that Lt.Col.Camaron, the then I.G.Of Prisons, in his ~~letter to the Supdt., C.J., Bellary~~ dated 5-4-22 stated that the water-supply plant including the Artesian well was purchased from the Military authorities and that this statement was presumably based on the telegram of the Military Department at pp.10-11 of G.O.389 W., dated 1-5-22. The C.I. ~~considers if~~ doubts this was correct, because, the telegram itself does not say that the Artesian well is one of the items of the bargain. It is submitted that it is possible that Col.Cameron was mistaken as suggested by the C.I.

It appears from the ~~Collector of Bellary~~ Military Estates Officer's letter on pp.11-13 c.f. that Mr.Ingle has been put in possession of the well by the Govt. of India, as the Artesian well is an unfailing source of water-supply to the ~~Bellary Jail~~ Certified School, Bellary, it seems desirable to ask the Board of Revenue to make enquiries as to the ownership of this also definitely. The proposed reference at page 3 of the draft may be accepted.

As regards the Fort Ditch, the Revenue Department may be asked to amend the draft memo (Draft I) so as to include a reference to the Board in regard to its ownership.

The file may be returned to Revenue.

11/6.38.

As regards the reference proposed to be

W

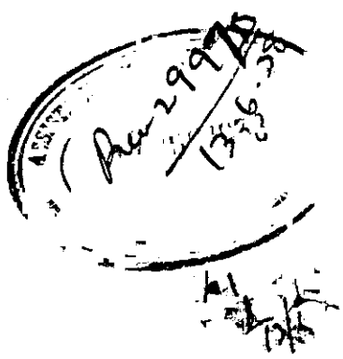
made to the Bd. of Rev. about the ownership of the Betsian wells. Revenue are requested to ask the Bd. to treat it as urgent, as one Mr. Ingle, who claims to have bought that well from the Govt. of India, has given a notice to the Govt. Certified School, Bellary to the effect that he has taken over the wells with effect from 15.4.38, but will allow the schools to use it "for a month or so" until he makes further arrangements for the use of the water.

p 3 ante

vide para 6 at p 1 ante

FSR.
12/6

Rev.



Home Dept. No. 18609/38-1
13.6.38

Answered draft
FSR
13/6

Rev. Dept.

To Asst. Secy.

Please see the notes of the Home Dept. at pp 5-10 ante. The Fort Ditch - item 2 - referred to therein is in S. No. 522-1 of Bellary. This S. No. ~~was part of field~~ measures 459.55 acres

vide col 7 against item 2 on p 431 of Fort List

vide p 10 ante

and is within the limits of the old Cantonment of Bellary. In the recent classification of lands in the old Cantonment area as poramboke and waste, an extent of 253.43 acres (which includes an extent of 0.46 acre which was now numbered as S.No. 965) was classed as village-site poramboke i.e. as belonging to this Govt. and the remaining extent of 206.12 acres was excluded from the classification as it contained buildings and did not come within the scope of the classification. The several items comprised in the extent of 206.12 acres referred to above are ~~these~~ mentioned at A at p 166 of Fo. No. 237 Rev Dated 28.1.37. All those items have been recognised to be military properties.

2. The Fort Ditch in question is the same as the Fort Moat Reservoir which is one of the items comprised in the extent of 206.12 acres vide p 166 of (K) referred to above. The extent of the channel proper in the Fort ~~Moat Reservoir~~ Ditch is 16.52 acres. The area of the channel and of the bund and sluice included in the Fort Ditch is 21.40 acres. The Fort Ditch was all along being maintained by the Military Engineering Works Dept. In 1929 a dispute arose between the military authorities and the Tail Dept. of this Govt. regarding the rights of the Tail Dept. to pump water from the Fort Ditch for supply to the Hiriyuram Tail. The mil. authorities contended and

vide p 139 of Fo (K) - in l-ft - disclosed

252.77 - item 16 at p 93 ibid
0.46 - item 87 at p 97 ibid
253.43

vide p 41-4 of (K) in l-ft disclosed

vide p 89+101-102 ibid

(K) in l-ft disclosed

p 66-69 of Fo 1-6 Rev (V), 30-1-35 disclosed

p 66 of Fo (K) at portion marked

Pat p 17 of Fo 2415 Rev (I), 25-11-37 in l-ft disclosed

in para 2 of the R.D. at (V) in l-ft disclosed

— do —

— do —

(H) vide p 17-19 of Fo 126 Rev 29-1-31

— do —

vide p 0 of d

this Govt. agreed accepted that no portion of the Fort Ditch was handed over to the Jail Dept. in 1922 along with the water supply plant which was purchased from the mil. authorities. An extent of about 1 acre of land in the Fort Ditch in which the pumps belonging to the Jail Dept. is situated and which was absolutely necessary for the purpose of drawing water from the ditch was accordingly obtained from the Govt. of India free of cost and was placed in charge of the Jail Dept. The actual extent of land handed over to the Jail Dept. is 1·02 acres. It will be seen from what is stated above that this Govt. ~~are entitled~~ extent of 1·02 acres alone belongs to this Govt. and that this Govt. are not entitled to any other extent in the Fort Ditch. It seems therefore unnecessary to make a reference to the Board of Rev. as regards the ownership of the Fort Ditch as suggested by the Home Dept.

vide ff. 27-28 & 63-65 of file (W)

vide f. 19 of F. 38-W IV (W) 1-5-22

vide ff. 27-30 & 69 of file (W)

vide ff. 5-6 of F. 38-W (W) 1937

vide ff. 7-8 & 9 ante

3. The draft regarding the Artesian well has been amended with reference to the note of U.S. Home at ff. 9-10 ante.

ff. 3-4 of draft file

4. The drafts may be sent to the Home and Finance Depts. for acceptance.

vide ff. 3 & 4 ante

14-6-38.

15.6.38

Home
Fin

ASSISTANT SECRETARY TO GOVERNOR
15 JUN 1938
HOME DEPARTMENT

No. 2560 S/38-2
15-6-38

29556
15.6.38

HOME DEPARTMENT

Please see this department's note on pp.5-10 ante, and the Revenue Department's note on pp.10-12 ante.

The Revenue Department consider that it is unnecessary to make a reference to the Board of Revenue as regards the Fort Ditch as suggested by this Department for the reason that this Government are not entitled to any portion of the Fort Ditch other than 1.02 acres of land transferred by the Government of India to this Government. It has been already noted in this department that the claims of the Military to this property cannot be disputed. But since it appeared that this property was in occupation of this Government immediately before the commencement of Part III of the Government of India Act, 1935, it was suggested that its ownership might also be investigated. This is an important source of water-supply to the Jail.

The ownership of the Fort Ditch is as doubtful as the ownership of the otner two sources of water-supply, namely the Alipuram Tank and the Artesian Well. In fact, the Superintendent of the Certified Schools, Bellary in 1924 stated that the claim of the Military Department to the ownership of the three sources of water-supply was very doubtful. Though this Government's title to the Alipuram Tank is doubtful, it is proposed to ask the Board to determine its ownership. On that analogy there seems to be no objection in asking the Board to determine the ownership of the Fort Ditch also. The Chief Inspector of Certified Schools (I.G of Prisons) has definitely asked that the rights of ownership of all the sources of water-supply may be established to avoid any complications arising later on. For orders whether, in the

circumstances stated by the Revenue Department this Department may agree to omitting the reference to the Board as regards the Fort Ditch.

~~Rec'd Secy's note dated~~

Vt'd
18.6.38.

Acc. to Sec. 172. 1 (a) of the Govt. of India Act, the Fort Ditch will vest in this Govt. unless on 31.3.37 it was being used for purposes which thereafter would be Federal purposes. This seems to remain true even though only 1.02 acres of the Fort Ditch was ever actually handed over to the Jail Deptt. What the rest of the Fort Ditch was being used for on 31.3.37 is a question of fact.

This deptt. would suggest that there is no harm in asking the Govt of Revenue to make the position of the Fort Ditch absolutely clear in this reference to Sec. 172. (1) (a) of the Govt. of India Act.

at pp 108-109 of Act (Booklet No 49)

at pp 108-109 of Bk. No. 10-8 49

FR
20/6

Fin

Home U.O.No. 20655 G-1
21-6-38

2170/38

Finance (Accounts) Dept

The case relates to the establishment of the ownership of the following three sources of water supply in the Bellary District:-

(1) The Alipuram Tank,

(2) The Fort Ditch, and

(3) The Artesian well.

draft I-m.o b'o.

The Revenue Department propose to ask the Board of Revenue to report in which Government, Central or Provincial - items (1) and (3) above vest and to consider the question of taking them over from the Government of India, if they belong to them. The proposal of Revenue may be accepted.

page 14 ante

2. The Home Department consider that the Board of Revenue may at the same time be asked to make the position of the Fort Ditch (though 1.02 acres of it was transferred to this ~~Department~~ Govt.) also clear. This Department may ~~endorse the suggestion of the~~ agree with Home ~~Department~~.

3. The draft Memos may be accepted subject to the remarks in para 2 above and the case returned to Revenue u.o.

Ug 28-6-38 D.W.S

D. J. 26.6.38

ARY TO GOVT. Rev 32 1938 29-6-38

Ug 28.6.38 D.W.S 28/6

Rev.

Rev. Deptt.

Fin no 21706 Accts 28/6/38

Amend drafts

M. 16

To Asst. Secy: A para has been added to draft I below with ref. to the Home Deptt's note at pp 13-14 ante. 2. The drafts may now issue. 27/6

30.6.38

30.6.38

(Memo No 2560 D/38-3 dated 2-7-38) pp 21-22 C.F.

(Memo No 2560 D/38 4 dated 2-7-38) pp 23-24 C.F.

From the Board of Rev. Ref. No. B/E. 4900/38-2 d 7.9.38 pp 25-47 C.F.

To A.S.

Please see the notes at pages 1-15 ante, the memoranda to the Board of Revenue at pages 21-24 C.F. and the Board's reply at pages 25-47 C.F. The ownership of the three properties, to which question this file relates, is dealt with below:--

2. Alipuram tank.

The report of the Executive Engineer, Bellary, containing proposals for improving the water-supply to the Cantonment of Bellary, which is printed in G.O.No.3609-W, dated 14-11-1888, shows that the tank was constructed purely as a military work, with the object of improving the water-supply of the Cantonment at a cost of about Rs.1½ lakhs paid out of military funds and that it was completed in 1872. (Item 31 of the statement at p.17 of Go. No. 2444 Rev S.6.12.32 shows that the Military Dept. came into occupation of the tank by permission of the Govt. in 1865) The correspondence in G.O.No.389-W dated 1-5-1922 and the list at page 19 C.F. which the buildings and articles handed over by the military authorities to the Jail department make no mention of the tank. The Collector has, after detailed investigation of the question, in consultation with the Jail and P.W. Departments, reported that it is clear that the Alipuram tank as such was not sold to this Government in 1922. In the circumstances this department may agree that it is not included in the property which was purchased by the Jail Department in 1922 for Rs.25,000.

The so called construction in 1872 was probably merely improvement as the military were pre occupt. in (2) of the tank by the govt. in 1865 see B below. vide para 6 at p 2 of (L) N2

vide f 1, 4, 5, and 9 of (L)

vide 1, 2 & c.f.

p 36 c.f.

A

vide f 10-11 & 19 of (L)

25.2.39

3. As regards the question ~~viz.~~ in which

Government the property vests with reference to section 172(1) of the Government of India Act, 1935, the Collector has reported that the tank was in the possession and use of the Jail Department on behalf of the Provincial Government on the date of coming into force of Part III of that ~~Government of India Act, 1935~~ Act. He has also reported that there is no doubt that the Jail department has been drawing water from it regularly for over a decade. It will however be seen from the letter of the Superintendent, Alipuram Jail, dated 4/8-9-1924, at pages 3-5 of G.O.No.702, Law (General) dated 3-3-1925, that the Alipuram tank was regarded as a military property and that the Superintendent obtained the permission of the military authority to the laying of a pipe line below the masonry sluice of the tank. In 1924-25 there was a dispute about the use of the water derived from the tank and this resulted in an agreement with the Military authorities, namely, that the troops at Bellary should be supplied with water from the Alipuram tank (got through the pipe line) free of cost by the Jail authorities. Thus it is clear that the Jail Department has been using the water of the tank only with the permission of the military authorities. The Cantonment of Bellary was evacuated by the troops in June 1929. Even before the evacuation and since then the Government of India and the military authorities have been claiming the tank as a military property. The tank was originally constructed from military funds. In the above circumstances it does not seem that this Government can claim that the tank vests in them with reference to the provisions of section 172(1) of the Government of India Act, 1935. The Government of India have also certified under section 172(1)(a) of the Government of India Act, 1935 that Alipuram Tank has been retained by them for the

-purpose-

purpose of more advantageous disposal. This Department may therefore accept that the tank vests in the Central Government.

4. The Collector reports that the tank is obviously essential for the purposes of the Jail and recommends purchase of the property if this Government do not make a claim to it. If it is accepted that the property belongs to the Central Government and if it is taken up for the use of this Government its market value at the date of transfer is payable to the Government of India. The Collector has reported that in a statement submitted by him on 21-6-1936 the value of the tank was shown as Rs.1752-2-0 and this may be offered to the Government of India. This statement is not here. The sum of Rs.1752-2-0 is presumably the market value (in 1936) of the land (175-21 acres) occupied by the tank at Rs.10 an acre. Besides the site of the tank there are the structures attached to the tank, namely, the sluice, sluice tower, west weir and bund. The value of these will have also to be paid to the Government of India if the property is taken up for this Government. In 1929 the site of the tank was valued by the revenue authorities at Rs. Rs.26,280 (which comes to Rs.150 an acre) and the structures at Rs.35,743 by the P.W.D. The Board may be asked to report in consultation with the P.W.D. the present market value of the tank and of the structures thereon, and the question of taking over the property from the Government of India may be considered on receipt of the Board's reply.

5. Fort Ditch. Attention is invited to the notes at pages 10-14 ante in which the question of ownership of this property has been dealt with. The Collector considers that as the extent of about 1 acre transferred to this Government in 1931 gives

gives this Government all the scope they need for pumping water from the Fort Ditch, if required, ~~it appears that~~ the question of the ownership of the rest of the Fort Ditch is of academic importance only and that this Government should however be consulted if there is any question of disposal of the rest of the Ditch which might give another purchaser the right to pump all the water from the Ditch. He thus considers that the rest of the Fort Ditch vests in the Central Government. This view may be accepted. As regards the Collector's view that this Government should be consulted when the rest of the Fort Ditch is disposed of, it is submitted that in 1930 when the Government of India asked this Government whether the property was required for the use of any department of this Government this Government told them that they did not require it. In 1936 the Government of India ordered that the M.E.O. should sell all the surplus military properties in Bellary including the Fort Ditch. The M.E.O. has included the property in an auction notice issued by him on 30-10-1937. It appears that the property has not yet been sold. It is doubtful whether there will be any offer for the Fort Ditch from private parties. So long as it is not sold there is no risk of any private party trying to pump all the water from the Ditch. If any private party at a future date purchases the ditch and endangers the interests of this Government ~~the intests~~ the Land Acquisition Act can be employed for acquiring his rights. The Ditch need not therefore be taken over from the Government of India at present.

6. Artesian well. The Collector has reported

(1) that the well known as Artesian Well No. 2

should be considered to have been included in the property purchased from the military authorities in 1922 under G.O. No. 389-W, dated 1-5-1922.

(2) that it cannot be the same as item No. 2 under wells in the statement⊗ showing military properties submitted by him in 1936 (which is situated east of B.I lines in S.No. 519 A and covers 18 cents),

(3) that it is a long way from any lines or barracks and is a very large, square, stone, covered well (on× the golf course), and

(4) that it has been used by the Jail department of this Government (and not by or on behalf of the Government of India) for many years and since the coming into force of Part III of the Government of India Act, 1935 and that it must be deemed to vest in the Provincial Government.

Para 3 of the report of inspection of the Chief Engineer at page 20 of G.O. No. 678, Law (General), dated 28-2-1924 and the portion marked 'X' in P.W. Secretary's note at page 20 of G.O. No. 702, Law (General), dated 3-3-1925 support ~~the~~ the Collector's view that Artesian Well No. 2 was purchased by this Government from the Government of India in 1922. The agreement entered into with the military authorities in 1926, viz., that the water from the well "should be made available for the Central Jail" however seems to throw some doubt in the matter. Item No. 2 under wells (situated east of B.I. lines, in S. No. 519-A, and covering 18 cents) shown in the statement of military buildings submitted by the Collector in 1936 is the only item shown as 'Artesian well' in that statement and the statement does not include any other artesian well. The M.E.O. therefore clearly refers to this item in his letter at page 11 C.F.

The Collector has given good reasons why

why Artesian Well No. 2 should be considered to have been included in the property purchased by this Government from the Government of India for Rs.25,000 in 1922. The Government of India may be addressed on the lines of the Collector's report and they may be asked to cancel the 'sale' of the well to Mr. Ingle. The Collector may also be requested to report the S. No. in which the artesian well No.2 is situated and the extent occupied by it.

7. A draft Memo is submitted with reference to 'A' on p.18 ante and 'B' above. ~~and 'B' on pages 19 and 21~~. After issue the file may be sent to the Home, P.W., and Finance for remarks on the suggestions made in the above notes.

25.2.39

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O.T.O

Revd. No. 2560/38-7
27.2.39

UNDER SECRETARY TO GOVERNMENT
28 FEB 1939

HOME (G) DEPARTMENT

The question in this file relates to the ownership of the following sources of water supply to the Jails in Bellary:-

(1) Alipuram Tank
(2) The Fort Ditch
(3) The Artesian Well.

Item (1) above:- Please see this department's note on pp.5-7 ante. The Revenue Department agree with the Collector of Bellary that the Tank was not sold to this Government in 1922 and that the property therefore vests in the Central Government. The Board of Revenue has been asked to report, in consultation with the P.W.D. the market value of the property. The Revenue Department propose to consider the question of taking over the property from the Government of India on receipt of the Board's reply. This department may agree to ask for the transfer of the property from the Government of India, as it is a source of supply of water to the jails in Bellary.

Item (2) above: Please see this department's note on pp. 7-8 ante. The Collector of Bellary has reported that except a portion (1.02 acres) which was transferred to this Government by the Government of India in 1931, the other portions of the Ditch belongs to the Central Government. The Revenue Department do not propose to address the Government of India for transfer of the Ditch now, for the reasons stated at "A" on page 19 ante. This department may agree.

Item (3) above: Please see this department's note on pages 8-9 ante. The Collector of Bellary after detailed investigation, comes to the conclusion

that the Artesian well was sold to this Government in 1922. The Revenue department propose to address the Government of India to cancel the sale of the well to a private party. This department may agree.

p35 ante

B'w; 21 Aug

The file may be passed on to P.W.D.

VCS 8-3-39

1073

10.3.39.

P.W.

Home no 7503G-1

10/3/39

P.W. Deptt

To A.S.

The notes on pp 16-23 ante may be perused. No remark seems called for in this deptt.

The file may be passed on to Finance.

12/3.

14/3/39

14/3

15/3

P.W.D.No.4466C/39-1
15-3-39

Finance (Accounts).

Previous Finance notes on p.15 ante. Please see the Revenue Dept. notes on pp.16-21 ante.

2 Alipuram tank. Please see the report of the Secretary as Collector of Bellary on pp.36-37 C.F This Department may agree with Revenue that ownership in the tank vests in the Central Govt. and that it was not among the properties purchased from the Govt. of India in 1922. The Revenue Dept. have ~~propose to~~ asked the Board to report the present market value of the tank and of the

structures thereon before taking up the question of taking over the property from the Govt. of India. The tank is the source of supply of water to the jails in Bellary and the Home Dept. agree to the proposal. This Department may also agree to the proposal. In reporting the value of the structures, the Board ~~my~~ may be asked to report separately the value of ~~the~~ (improvements, if any, effected by the Provincial Government so that ~~deduction~~ may be made later for their value ~~of~~ when ~~improvements~~ the property is purchased from the Govt. of India.

p 22 ante

Ms 24.3.39 DWD

1 19 CF

The structures purchased by this Govt. and of

the necessary

Ms 22.3.39 DWD. X

3/ Fort Ditch. Please see the Secretary's report as Collector of Bellary on p.36 C.F. This Department may agree with Revenue that excepting an extent of about 1 acre transferred to this Govt. in 1931, the rest of the Fort Ditch vests in the Central Government. It is not proposed to take over the portion of the Fort Ditch which now vests with the Central Government. The Home Department agree to this. Finance may also agree.

paras 5 on pp 18-19 ante

Ep. 12 Ke. (F) 20/31

Ms p 22 ante 22.3.39 DWD

4. Artesian well.No.2- Please see the report of the Secretary as Collector of Bellary on pp. 34-36 C.F. and portion S on p.25 of G.O.702 L.G. dated 3-3-25. This Govt. apparently paid for the pump and other fixtures but whether anything was paid towards the cost of the well as such is not clear. The natural presumption is that the prices paid should be deemed to include also the cost of well.

(R).

See last on p 19 CF deems may be X

Further the Jail Department has been in actual possession of this well and the property in the well must be deemed to vest with Provincial Govt. This Department may agree with Revenue that the Central Govt. has no claim now for this well and its sale to Mr.Ingle should be cancelled. As pointed out at M on p.20 ante, the Military authorities have mistaken this well for the well in S.No.519 A.

The case may be returned to Revenue.

The Legal Dept may perhaps also be consulted.

Fin No. 9777 Accb-1
25/3/39

Revenue Dept.

To Genl. Secy.

Please see the notes from p 16 ante. The Finance Dept. have suggested that in reporting the value of the structures the Board may be asked to report separately the value of the structures purchased by this Govt. and of improvements, if any, effected by this Govt. so that the necessary deductions may be made for their value when the property is purchased from the Govt. of India. Attention is invited to paragraphs 2 and 3 at pp 28-31 ante

ASSISTANT SECRETARY TO GOVERNMENT
25 MAR 1939
REVENUE DEPARTMENT

the concluding sentence of para 6 at p 34 c.f. the Coll^r has reported that there was in 1922 no pumping station near the Alipuram tank, that up to 1924 supply from the Alipuram tank was through an open earthen channel, and that there was a water supply plant at the Artesian well No. 2 and that this with the pipe line to the overhead tank near the Garrison Church and the pipe line thence into the old Alipuram Jail ~~tank~~ was ~~che~~ purchased ~~for~~ the use of the Jail Dept. in 1922. Thus no structures situated at the site of the Alipuram tank was included in the property purchased in 1922.

p 30 c.f

p 29 c.f

p 28 c.f

para 6 at p 34 c.f

it is clear that

2. In 1924-25 a pipe line was laid from the masonry sluice of the tank at the cost of this Govt. The Asst. Engr's report at pp 41-45 c.f. shows that certain improvements ~~to the~~ such as construction of settling tanks etc were effected to the water supply arrangement at the cost of the Govt. and that certain repairs to the tank and its supply channel were carried out subsequently. The Board may be asked to report whether the improvements ~~and those~~ which have been ~~can~~ effected at the cost of this Govt. include

vide pp 29 & 41-45 c.f

vide p 42 c.f

p 42 c.f.

any of the structures on the site of the tank and if so to report what these structures and their respective values are.

3. A draft memo is submitted for approval. After which the file may be sent to Legal with reference to Fin. Asst. Secy.'s note at p 26 ante.

Finance may see before issue

27.3.39. 31.3.39

S

1/4

Revenue 1560 S/38-4
14-4-39.

ASST. SECRETARY TO GOVERNMENT
1 APR 1939
FINANCE DEPT.

Finance Asst.

Previous Finance notes on pp 24-26 ante. The draft memo: may be accepted and the case passed on to Legal.

5.4.39 7.4.39

Legal

12 APR 1939

Finance 1253 Asst/39

714/39

A.S. 2458

Legal Department

Alipuram tank. This Department agrees with the views expressed in the note of Revenue Department at pages 16-18 ante. The tank should be considered

to vest in the Government of India, especially as the certificate under section 172 (1) (a) of the Government of India Act specifically refers to the tank.

BCG 13/4/39 at p. 498 ante at (LL) removed

2. Fort ditch. There is no specific reply to the question raised in paragraph 2 of the Revenue Department's memorandum at page 22, current file. The statement of Revenue as to the Collector's view, at M on page 19 ante merely rests upon an inference drawn from his letter, but this inference may or may not be correct. As the land is not now being used for the purposes of the Central Government, it can vest in that Government only if it is included in a certificate issued by the Governor-General in Council under section 172 (1) (a). It is not clear whether item 3 at page 496 of the Gazette of India Extraordinary dated April 1st, 1937, will cover the Fort ditch after deducting the one acre and odd which admittedly vests in the Provincial Government. This point may be definitely verified.

(LL) Item 3 at p. 496 of the Gazette of India Extraordinary is worded in general terms. If the Fort ditch falls within an area so included, it will vest in the Central Govt. (except the portion already held Crown Prot. Port). Hence enquiry as to whether the Fort ditch is comprised within the area described in item 3 unnecessary, as question of Fort ditch will be verified. BCG 13/4/39

3. Artesian well. This Department agrees generally with the view expressed in paragraph 6 of the note of Revenue Department at pages 19-21 ante. A letter may be sent to the Government of India as proposed by Revenue, claiming the ownership of the artesian well for the reasons mentioned in the Collector's letter.

BCG 13/4/39

K.M. 13/4/39

BCG 13/4/39 S

Legal 2458-1

15.4.39.

Rw

5.

Issue memo & process legal by note above.

15/4/39

GOVT. OF INDIA TO GOVT. 15901/39 15 APR 1939

(Issued as Memo No. 2560 D/38-9, dated 15-4-1939)

To Asst. Secretary.

The Memo to the Board of Revenue has been issued.

2. G.O.No.254, Public, dated 2-10-1901 which contained the Public Department Notification referred to in item 3 at page 496 of the Gazette of India, Extraordinary, dated 1-4-37 (which is referred to in para 2 of the Legal Department's note at page 29 ante) is put up. ~~It is not clear from that notification whether the Fort Ditch falls~~ This notification does not specify the lands and buildings included within the limits of the Bellary Cantonment described in it. But it will be seen from para 1 of this department's note at pages 10-11 ante that the Fort Ditch lies within the limits of that Cantonment.

3. The Fort Ditch is surplus to military requirements and the Govt. of India have asked the M.E.O. to sell it. The M.E.O has included it in an auction notice issued by him. Thus it is not now being used by the military authorities i.e. for Central purposes. ~~But it does not seem that this fact coupled with the certificate issued by the Governor-General in Council will make the land vest in the Central Govt. vide para 2 of Legal Department's note at page 29 ante~~. Under sec. 172 (1) of the Government of India Act, 1935 a property vests in the Central Government —

(1) if it was used for the purposes of the Central Govt. immediately before the commencement of Part III of the Act on 1-4-37, otherwise than under a tenancy agreement, or

(2) if it was formerly used for such purposes or intended or formerly intended to be so used, and are certified by the Governor-General in Council to

have been retained for future use for such purposes of for ~~xxxx~~ more advantageous disposal. ~~From page 19 ante~~ it will be clear that the Fort Ditch was not being used for the purposes of the Central Govt. immediately before 1-4-37. In 1931 the Collector of Bellary ~~definitely~~ reported that the Fort moat Reservoir (which is the same as the Fort Ditch) was in the unconditional occupation of the Government of India on 1-4-21. The property is also included in the certificate of properties retained for the purpose of more advantageous disposal issued by the Governor-General in Council under sec. 172 (1) (a) of the Government of India Act, 1935. It therefore vests in the Central Govt. under sec. 172 (1) of the Govt. of India Act, 1935. A reference to the Board on the point seems to be unnecessary.

4. The Home, Finance and Legal Departments have agreed with this department that the Government of India may be addressed claiming the ownership of the artesian well No.2 and asked to cancel the sale of it to Mr. Ingle. The Collector has reported that the artesian well No. 2 cannot be the same as item No.2 under wells in the statement of military properties submitted by him in 1936 and that it should be considered to have been included in the property purchased from the military authorities in 1922. The Collector has not reported definitely whether, ~~if it is not the same as item No.2 under 'wells' in the statement sent by him in 1936,~~ the artesian well No.2 is different from ~~it~~ and if so, where ~~it is~~ exactly situated. There is also nothing to show definitely that the artesian well was included in the 1922 transaction. The Board has been asked to report the S. No. in which the artesian Well is situated and the area

occupied by it. ~~In the circumstances, it is for orders whether~~ The Government of India may be addressed regarding the well. It seems unnecessary to await the ~~after~~ receipt of the Board's report ~~or whether they should be addressed at once~~.

5. ~~If~~ The Government of India ~~are to be addressed regarding the artesian well they~~ may, in reply to their letter at page 1 C.F., be told that this Government agree that the Alipuram tank is not included in the property purchased by this Govt. from the military authorities in 1922 and that it is still the property of the Central Government. A further communication may be promised to them on the question whether the tank is required for the use of this Government - vide para 4 ~~px~~ at page 18 ante & para 1 at pp 49-50 c/f.

6. Subject to orders a draft letter is submitted for approval. If approved, it may be sent to Home for acceptance.

20.4.39. Mish. 39

1-5-39

S

Revenue No. 2560 R/38-2

4-5-39.

ASSISTANT SECRETARY TO GOVERNMENT 5 MAY 1939

Home.

Home Deptt

Please see this deptt's previous note on pp 22-23 ante and the Revenue deptt note on pp 31-32 ante. It has been proposed to address the Govt of India re establishing this Govt's ownership to the Artesian well without waiting for the Board's reply re para 2 of

159396

5/5.

para 4 of letter noted above

memo at pp 50-57 cf. As regards the Alipuram tank, it has been proposed to inform the Govt. of India that it is still the property ~~of the~~ of the Central Govt and that a further communication will follow on the question whether the tank is reqd for the use of this Govt.

para 5 of the Revn on p 32 ante

The draft letter put up may be accepted in this dept and the file returned to Revenue dept.

SH
10/5

HR.
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Rev.
10/5

Home no 15336 G-10
10.5.39

R-D.

Draft for approval

20-28-D/39

HM

10.5.39

S

HM (Rev)

Home
Rev.
11/5

Issued as Letter No 2560 D/38-11 dt 11.5.39.

pp 57-64 cf.

From the Govt. of India, Defence Dept. Letter No. 1941-L/2-D.4., Dated 20.12.39

pp 65-69 cf.

To W.S.

Please see the letter to the Govt. of India at pp 57-64 C.f. and their reply at pp 65-69 C.f.

2. The Govt. of India have not agreed to the claim of this Govt. to Artesian well no. 2 in Bellary and are not prepared to cancel the sale of this well made by the M.S.O. to a private party. They assume that the entry at 'X' on p 80 of G.O. no. 2623-24 Rev. dt 16-12-37 refers to the well sold to Mr. Dugle for Rs 400/- and that this assumption is confirmed by the fact that this Govt. had valued this well and appurtenant land at Rs 5-01-13-0. They have stated that it is hard to believe that the Provincial Govt. spent Rs 25,000/- for purchasing the well which was valued by themselves at Rs 5-01-13-0. The Collector reported that artesian well no. 2 could not be the same as the item "well no. 2" included in the list of military properties, that it was a long way from any lines or barracks and that it was a very large square well, while the "well no. 2" included in the list was a small well near the B. D. lines. The S.No. in which the Artesian well No. 2 was situated & the area of the well was not reported. The Board has been asked to report the S. no. in which artesian well no. 2 now in dispute

is situated and the area occupied
by it. The Board's reply is still awaited.

3/ That even assuming, as the G. of I. have done, that both the wells are one and the same, what was valued for Rs 501-13-0. was the cost of the materials of the well (Rs 500/-) plus the cost of the site Rs 1-13-0./ The well was intended to be sold for materials only. The Collector reported that what was purchased in 1922 consisted of the overhead tanks, the pumping plant and the engine at the Artesian well no. 2, the pipe line from it to the overhead tank near the Garrison Church, the overhead tanks there, and the pipe line thence into the premises of the old Alipuram Jail (now the Junior Certified School). The Collr. ~~also stated that~~ Considered and this fact agreed with him that this transaction should obviously have included also the artesian well no. 2 for the reason that prima facie no one would have bought all the pumping apparatus ~~mentioned above unless the~~ connected with the well to give water supply to the Alipuram Jail ~~well and the water in it was included~~ buildings unless the well and the water in it were also included.

As regards the ~~statement~~ contention of the Govt. of India referred to at A at page 32 above, it is submitted that

p 65 c.f.

vide X at p 80 ante (C)

vide the report in ... Pat pp 34 a c.f.

vide Pat p 35 c.f. and M at p 60 c.f.

4. The Govt. of India further state that the fact that the water from the artesian well no. 2 was made available by the

p 67 c.f.

vide p 25 ante (B)

military authorities for the use of the Central Jail in 1925 on the condition that it would be withdrawn if required by them shows clearly that the well was never sold to this Govt. in 1922. It is submitted ~~that the agreement of 1925 does not clearly indicate that the military authorities were recognised as the owners of the artesian well as otherwise it would mean that the Provincial Govt. were the owners of the Aliparam tank, but this Govt. have informed the G. of I. that the Aliparam tank is the property of the G. of I. Attention is invited to the portion marked 'k' on p. 20 ante.~~ It is further submitted that whatever may have been the terms of the agreement of 1925 the fact remains that the well has not been used for many years and certainly not since the coming into force of Part III of the G. of I. Act, 1935 by or on behalf of the Central Govt. and that it has been used only by the Jail depts. of this Govt. This Govt. therefore contended that the well vested in them ~~but the G. of I. Contend~~ however state that the Jail depts was not given any proprietary rights in the well and that all unsold military properties ~~were~~ have been certified by them under sec. 172 (1)(a) of the G. of I. Act. 1935.

5. ~~In Conclusion~~ The G. of I. further state

~~It~~ much stress cannot be placed on the expression "should be made available for the Central Jail, Bellary" occurring in the agreement of 1925. The first clause of this agreement gives one the impression that the Aliparam tank and the water in it are the property of the Jail Dept. of this Govt. As a matter of fact it has been found that the Aliparam tank is the property of the Govt of India. The fact probably is that both the Military and Jail Depts. were entitled to the use of the well and the agreement only specified the conditions ~~of the use~~ subject to which it should be used.

p57 cf.

p35 cf.

Part III of

p63 cf.

p67 cf.

that the facts of the case appear to them to be that the Provincial Govt. purchased the pumping station situated to the ~~east~~ north of the Aliperam bank and the pipe line Connecting it with the well and pumping station near the fort on the western side of the fort ditch and that this disposes of the doubt Concerning the property for which a sum of Rs 25,000/- was paid by this Govt. Attention is invited to the Collector's report at '2' at p. 29 C.f. and ~~at~~ pp 41-44 C.f from which it will be clearly seen ~~wherein it was stated~~ that the pumping station and engines near the Aliperam bank were erected by this Govt. at a cost of about Rs 1,20,000/-, that they were erected only in 1924, that therefore they were not included in the transaction of 1922 -and that what was purchased in 1922 for Rs 25,000/- Consisted of the overhead banks, the pumping plant and the engine at the Artesian well no. 2, the pipe line from it to the overhead bank near the Garrison Church, the overhead banks there, and the pipe line thence into the premises of the old Aliperam Jail (now the Senior certified school). In para 3 of our letter on pp 59-60 C.f. the G. of I. were already

p 67 C.f

vide P at p 34 C.f

informed accordingly and they were told that the transaction of 1922 should have included the artesian well. The agreement of 1925 also refers to the "new" Nliperam Tail water supply arrangements. On the circumstances it is not clear how the E. of D. argue that the transaction of 1922 ~~should~~ related to the pumping station etc. situated on the north east of the Nliperam bank.

6. This Govt. can press their claim to the artesian well no. 2 if either of the following is established beyond doubt:- (i) that the well under dispute is not the same as item no. 2 under wells in the list of military properties sent to the M.S.O. in 1936 or (ii) that the well in question was included in the property purchased by the Tail settlt. from the military authorities in 1922. Item (i) above. On January 1939 the Collector reported that artesian well no. 2 could not be the same as the "well no. 2" included in the list of military properties However in a statement of military properties sent by the Board of Rev. in October 1939 the well sold to Mr. Dugle was shown as being in S. No. 519 A. On the memo at pp 49-51 C.f. the Board

has been asked to ascertain and report definitely what the correct s.no. and area of the artesian well sold to Mr. Dugle are. The Board may be asked to submit the report at a very early date. /A

~~Point~~ Item (ii) above.

The Collector Considered that the pumping apparatus, engines and pipe lines Connected with the well Could not have been purchased without the well itself and the water in it. Para 3 of the report of inspection of the Chief Engineer at p. 20 of G.O. no. 678 Law (Genl) dt 28.2.26 and the portion marked 'X' in the P.W. Secy's note at p-20 of G.O. no. 702 Law (Genl) dt 3.3.25 and the letter of the D.G. of Prisons extract of which is at pp 27-28 C.f. supported the Collr's view. The G. of I. were therefore informed that the transaction of 1922 obviously included the well also. The G. of I. do not agree to this. The Home and P.W. depts. may be requested to state in Consultation with ~~the heads of depts.~~ The D.G. of Prisons & Ch. Engr. if necessary, whether there are any records to prove that artesian well no. 2 was also included in the transactions of 1922.

Pat p 35 C.f. (A)

(R)

p. 60 C.f.

p 67 C.f

B

This seems unnecessary. For orders? Thw 17/1.

A

1. The Board may be asked to offer its remarks, if any, on the contentions of the G. of I. The Board may also be asked to expedite its reply to para 8 of the memo at pp 49-51 c.f. and the memo at p. 55 c.f. which relate to the Alipseram tank and regarding which a further communication has been promised by the G of I.

2. A draft memo to the Board is submitted for approval with reference to the portions marked A in paras 6 and 7 above. After issue the file may be sent to Home and P.W. with reference to 'B' in para 6 above.

Cotton 15.1.40.

Q 17.1.40.

Our letter at pp 57-64 c.f. is quite clear & India have made no attempt to meet the points raised. Instead they have made some vague statements which are of little help. We may await the Bd's reply re the S. No. in which the artesian well lies and the rest the remarks of Home & P.W. The O.N. below may issue

Thw 17/1

S.

I cannot make out what the list on p. 19 c.f. represents. Would Home please obtain the same correspondence in the I. O.'s office

41

~~ref~~ referred to at p. 15 for our personal ~~returns~~ returns.

bew.
18/1.

Home.

p 19 P.F.

Rw. 20. 0. 170.
25-60. D. R/33-17
18.1.40.
(with a linked file).

01868 4
19/1/40.

Hume Dept

The case relates to the establishment of the ownership of the following three sources of water supply in the Bellary district.

(1) The Alipuram Tank

(2) The Fair Ditch; and

(3) The Artesian well.

In the letter at pp 57-64 cf, the Govt of India were addressed establishing this Govt's ownership to the Artesian well. Their reply is at pp 65-69 cf. Before the points raised in it are examined, the Secy (Rev) desires this dept to obtain the correspondence in the Dy's office referred to at p. 18 cf for perusal & return. The papers may be called for.

paras 2-5 on pp 57-64 cf

F

pp 40-41 ante

A draft memo is submitted for approval.

rem prone in 26/1

SR 25/1

JR 25/1

JR. 26/1

p 70 cf (Issued as memo No. 15-336-G/38-16 dt 26/1/40)

p 71 cf (From the Dy. Pursers No. 5621/52/37 dt 31/1/40) With ref to Rev Secy's note

on pp 40-41 ante, please see the file of correspondence forwarded by the I.G. The file may be returned to the Rev deptt

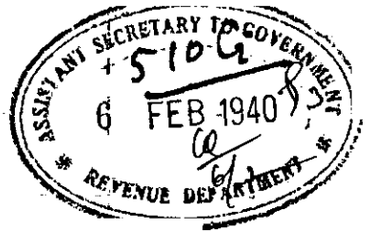
(TT)

Home mov 0153369-17
3-2-40

SJ
2/2

3/2
Rev.

MM
3/2



To U.S. Rev Deptt.

With reference to the second sentence of Secretary's note at pp.40-41 above the Home Deptt. have obtained the file of correspondence in the office of the I.G. of Prisons referred to in the I.G's letter at p.18 c.f. The file is at (TT).

(TT) removed.

2. With reference to the first sentence of Secretary's note at p.40 ante it is submitted that in his reference dated 14-12-23 at p.67 (TT) the I.G. asked the Supdt., Alipuram Jail, among other things, to submit a complete list of articles handed over by the military authorities to the Jail Dept. ~~There is no information in that file whether the Supdt. sent such a list.~~ Probably the list at pp. 69-70 of (TT) (of which the one at p.19 C.F. is a copy) is a copy of the list sent by the Supdt.

(XX) vide pp 7-8 of file 121 Ja 10-4-24

3. In G.O. No.389W, d. 1-5-22 sanction was accorded to the purchase from the military authorities at a cost of 25,000 Rs. of the properties connected with the water supply plant which were required for the Camp Jail, Bellary i.e. the items noted at pp. 24, 26 and 40 of the return sent to the Commander, Madras District, with this

(4) p.19.

vide p 5 ibid

this Government's No.1277 C-1, dated 13-3-1922. (This return is apparently the Annual Return of temporary buildings at Bellary, referred to in para 2 of the letter of the Head Quarters Madras District, dated 28-3-24, at the bottom of page 75 of (TT)). This return which was sent to the Government by the I.G. with his U.O. reply dated 22-12-23 at p.72 of (TT) was returned to him with G.O.No.1240 Law (Gl.) dated 10-4-24. The I.G. sent it to the Superintendent, Alipuram jail with his endorsement dated 15-4-24 at bottom of p.76 of (TT). This return alone will definitely show whether the artesian well No.2 in question was included in the properties purchased by the Jail Department from the military authorities in 1922. The Home Department may therefore be requested to obtain this return from the I.G.

See p.4 of (XX). The list at p.69 of (TT) is clearly a list of the property bought for Rs.25,000 but if we can get the original return so much the better.

B.G.M.
14-2-40.

4. On 18-1-1940 (while he discussed the file with Superintendent, before writing his note at pp.40--41 antè) Secretary raised the question whether as stated in the 2nd sentence of para 1 of the note at p.1 ante, it was not the water supply plant at the Fort Ditch in Bellary that was purchased from the Military Authorities in 1922 for Rs.25,000. This statement was based on the portions marked P at pp. 14, 15, 18, 20, 24 and 27 of G.O.No. 126, Rev., dated 20-1-31. In para 4 of his letter at p.31 c.f. (received in January 39) the Collector of Bellary however reported that it was clear that there was in 1922 no pump or engine at the Fort Ditch and no pipe line to the

I cannot follow the Collector's arguments in this connection.
B.G.M.
14-2-40.

barracks, and that it was only in 1927--28 that an engine was removed from the Alipuram Tank to the Fort Ditch. Even assuming that the pumping plant at the Fort Ditch was purchased from the military authorities for Rs.25,000 in 1922, it does not answer the question whether the artesian well No.2 was also not included in the items of properties purchased. The Home Department may therefore be requested to obtain the return referred to in para 3 above from the I.G.

L.S.R.
13-2-40.

T.M.S.M.
13-2.

Would Home ascertain the meaning of the numbering shown in column 1 of the list at p. ~~67~~ 65 of (TT) - the articles are numbered 10/1, 2 etc., and 15/1, 2 etc.: obviously the plant purchased was composed of two sets of articles - one numbered 10 and the other 15.

B.M.S.
16/2.

Home.

Hme Deptt

With refce to Rev Secy's note above, a draft memo is submitted for approval.

Sd
28/2
29/2

1/3

(Issued as memo No. 15336 G/38-18 dt 1-3-40)

Sd
29/2

Finally.
I ~~quite~~ agree. It is very probable that the plant of a double supply viz.,
(1) from the Fort Ditch
(2) from the artesian well
were both purchased for Rs.25,000 in 1922 but the well itself was not purchased.

B.G.H.
14-2-40.

removed

(To be obtained ... for ...)

Rev. Secy. No.
2560.D.G./38-20
24.2.40.

ASSISTANT SECRETARY TO GOVT. * HOME DEPARTMENT * 26 FEB 1940

(& also ... marginal note on page ...)

95988 G
26.2.40

Sd
29/2

12730 G (From the I.G. of Prisons No. 5621-52/37 dt 23-4-40)

Hp 102-103 C of

With reference to Rev. Secy's note on p. 45 ante, please see the I.G's letter on p. 74 C/f. The file may be returned to the Rev.

depr
Sn
27/4
27/4

ASSISTANT SECRETARY
30 APR 1940
GOVT. DEPARTMENT

Home no 15336 G/38-20
30.4.40

(GN: 15336 G/38)

demanded in Leave) 30/4.

16866
30 APR 1940
GOVT. DEPARTMENT

Rev. asstt.

Hp 72-73 C of. Issued as memo no 2560 D.G./38-19-B23-24a

Hp 74-76 C of. Refer. from the Rev. of Rev. B/E.no. 4910/38-19-B23-24a

Hp 80-101 C of — do — do — 4910/38-8 Sg-3-40a

To U.S.

The question in this file relates to the ownership of the following sources of water supply to the Jails in Bellary:—

(1). Alipuram tank,
(2) The Fort ditch, and
(3) The Artesian well.

D.O. regards

(7)

Item (1) above. (Alipuram tank)

This tank has since been accepted by this Govt. to be the property of the Central Govt. para 1 p. 57 C.F.

It was proposed that the Board might be asked to report in consultation with the P.W.D. the present market value of the tank and of the structures thereon and that the question of taking ~~vesting~~ over the property from the G.O.I. might be considered on receipt of the Board's reply. The Home dept. agreed to ask for the transfer of the property from the G.O.I. as it is a source of supply of water to the jails in Bellary. The G.O.I. have also been informed that a further communication will be sent to them on the question whether the property is required for the use of this Govt. The Board has now reported that the extent of the land belonging to the military authorities covered by the Alipuram tank is 175.21 acres and that the market value of the land is Rs 1752-2-0. at Rs 10/- an acre. The Board has para 4 p. 18 ante

p 22 ante

para 1 p 57 C.F.

portion marked A in para 3 p 61 C.F. Collr's letter is not furnished

The water spread is 259 acres. The balance presumably is private holdings or land of this Govt

para 2 p. 61 C.F.

para 4 p 82 c/f stated that the other structures, the value of which will have to be paid to the G. of I. if the tank is taken up for the use of this Govt., are the existing bund, revetment, surplus work and sluice. The Executive Engineer has valued these structures at Rs 12,140/. The Board agrees with the Collector that the Executive Engineer's valuation is reasonable and may be accepted. The total ~~amount~~ amount therefor payable to the G. of I. if the property is to be taken up by this Govt is Rs ~~13,892-2-0~~ 13,892-2-0 (Rs 1752-2-0 + Rs 12140-0-0).

p 71 c/f

A

The Home dept. may be requested to state whether the G. of I. may be addressed for the transfer of the property to this Govt. on payment of ~~Rs~~ the above sum.

On para 4 at p. 82 c/f the Board has furnished particulars of the amounts spent up to date by this Govt. for the improvements of the tank. If the tank is to be sold by the G. of I. to a third party they should ~~be~~ presumably be asked to pay these amounts to this Govt.

Please see Fin. note at X at p 215 ante
AGG 14/5

Item (2) on p. 46 ante (The Fort ditch).

Attention is invited to the notes at pp 10-14 ante (18-19 ante) in which the question of ownership of this property has been dealt with. It has been considered that excepting an extent of 1.02 acres transferred to this Govt. in 1931, the rest of the Fort ditch should be deemed to vest in the Central Govt. It has however been proposed not to take over the portion of the ditch vesting in the Central Govt. as it was considered that there would be no risk of any private party trying to pump all the water from the ditch. para 5 pp 18-19 ante ibid

Item (3) on p. 46 ante. (The Artesian well)

The Collector of Bellary after detailed investigation reported in the first instance para 7 pp 34-thereof.

(1) that the well known as the Artesian well no. 2 should be considered to have been included in the property purchased from the military authorities in 1922 under G.O. no. 389-WS 1.5.22, (G)

(2) that it could not be the same as item no. 2 under wells in the statement showing military properties submitted by him in 1936 (which is situated east of the B.D. lines in S. no. 519. A. p 80 G.O. (C)

and Covers 18 cents),

(3) that it was a long way from any lines or barracks and was a very large, square, stone Covered well (on the golf course), and

(4) that it had been used by the Jail dept. of this Govt. (and not by or on behalf of the G. of I.) for many years and since the coming into force of Part III of the G. of I. Act, 1935 and that it should be deemed to vest in the Provl. Govt. ~~It was Considered~~ that it was considered that the Collr. had given good reasons why Artesian well no. 2 should be considered to have been included in the property purchased by this Govt. from the G. of I. for Rs 25,000/- in 1922. The G. of I. were accordingly addressed on the lines of the Collr's. report and the Collr. was also asked to report the S. no. in which the artesian well no. 2 was situated and the extent occupied by it. The G. of I. did not agree to the claim of this Govt. to Artesian well no 2 and they were not prepared to cancel the sale of the well made by Govt. to

Pp 20-21 ante

Pp 5-7-64 C of

Item 2 Pp 50-51 C of

Pp 55-69 C of

to a private party. The Contentions of the G. of P. were examined in the notes at pp 34-41 ante. It was considered that this Govt. could press their claim to the well if either of the following could be established beyond ~~doubt~~ doubt :- para 6 p. 38 ante

(i) that the well under dispute is not the same as item no. 2 under wells in the list of military properties sent to the M. E. O. in 1936, or 4' p 80. (c)

(ii) that the well in question was included in the property purchased by the Jail deptt. from the military authorities in 1922.

Point (i) above.

The Board has now stated that the Collector has ~~reported~~ in his later reports stated that the artesian well connected with the Central Jail and the Alipuram Jail is situated in S. no. 519 A and as that there is only one artesian well in S. no. 519. A., item no. 2 under wells in the statement ~~sent~~ showing military buildings etc submitted in 1936 must be the same as this well. The reasons for the discrepancies in description and valuation mentioned by the Collr. in his report of 23.1.39 pp 75-76. cf. p 44. (c) pp 34-35 cf.

are given at pp 79-80 c.f. In
p 86 c.f. the circumstances the Board agrees
with the Collr. ~~that~~.

Point (ii) above. In G.O. no.
(G) 389. W. & I. 5.22 sanction was
p 19 accorded to the purchase from the
military authorities at a cost of
Rs 25,000 of the properties connected
with the water supply plant which
were required for the Camp Jail,
Bellary i.e the items noted at pp 24,
× (S-1) 26 and 40 of the ~~x~~ return sent to the
Commander. Reads as WB. with this
(G) Govt. no. 1277 C-1 & 13.3-22.
pp 4-5 The original of this return has been
obtained by the Home dept. from
the D.G. of Prisons. It is observed
that the list at p. 19 c.f. ~~is a copy~~
~~of the~~ contains all the items included
(S1) at pp 24, 26 and 40 of the return.
~~Artesian well is not one of the~~
~~items included among them~~. Item
no. 10 referred to at pp 24 & 26 of
(S1) the return relates to water supply and
there are 24 Component parts in that
item. Item no. 15 referred to at p. 40
(S-1) relates to machinery and boilers and
comprises 10 other items. Artesian

well is not included in any of these items. ~~It therefore appears~~

It therefore appears that this Govt. have no proof to shew that the Artesian well was included in the property purchased from the G.P.O. for Rs 25,000/- in 1922. In the circumstances it is for consideration whether the well may be deemed to vest in the Central Govt.

Attention is drawn to this para & has invited to serious note in flag (S-2)

2. The Govt. of India have stated that the indenture in regard to the sale of the well to Mr. Dugle has already been registered. It does not therefore appear that even if the well is required by this Govt. the G.P.O. can do anything in the matter. It will have to be acquired from Mr. Dugle who has purchased it from the G.P.O. Home Deptt may consider whether this well is also required for the Tail Deptt

para 3 p. 6 of C of I

vide para 2 p. 34 ante

2. The file may be sent to Home, P.W.D. and Fin. for remarks.

It is submitted that neither of the grounds at p 5 ante can be established as (1) the well in dispute is the same as that under

Relevant papers above have been put up. The remaining papers have been retained in sections. B.M.S.

Sd/- P.S. Lee
7.5.52

Sd/- M.K. Vellodi
7/5/52

wells in the list of military properties at p 80 of ©.
(Incidentally at pp 44 & 80 of © it is described as east of B.G. lines & not near B.G. lines as stated by the Collr at p 34 of. Probably the Collr's copy contained a typing error)
(2) The well is not specifically included in the list at p 19 of. or in the original at S1 of this list is strictly construed, this Govt did not purchase the well but only the pumping plant.

AJB 14/5
S

1. I agree with the above note. I have however gone into the question of the ownership of the Artesian Well in some detail.

2. Our claim is that we purchased the Artesian Well in 1922. What the Madras Government however offered to purchase on that occasion was the "Water Supply Plant - Turkish Prisoners of War Camp- Bellary". They enclosed with this offer a list showing at pages 24, 26 and 40 the articles required. A reference to this list at S(2) shows what these articles were. No Well is included.

3. The Collector of Bellary is of

Ms. Sy (Fn) Go 3[illegible] W. Pub. 1.522

S.1

opinon that the plant purchased in 1922 was plant fitted to the Artesian Well in question. The Military Department deny this. I have made a thorough scrutiny of contemporary records and I am forced to conclude that the plant purchased consisted of two parts - one conveying supply from the Artesian Well and one from the Fort Ditch. The Collector of Bellary goes on to argue that no one in his senses would have purchased the plant attached to a well without purchasing the well itself. This however is at best a negative argument and there is one objection to it which has not been noticed before and which seems overwhelming. We have all slipped into what is apparently an error of treating the transaction of 1922 as one between Madras and the Military Department of the Central Government. This seems to be incorrect. According to the Superintendent of the Jail who recommended the purchase, the vendor was not any Department of the Central Government but the Disposals Commissioner of the Imperial (British) Government, (and the sale proceeds were to be credited to the Imperial Govt.) It was the Imperial Government which in 1917 fitted out the Turkish Prisoners of War Camp and installed inter alia the pumping, filtering, storage and distribution plant. They did not however construct the Artesian Well which was built centuries ago by a pious Bellary lady. The Artesian Well therefore not being the property of the Imperial Government

the Disposals Commissioner could not have sold it to Madras in 1922.

4. We must therefore drop our claim to have purchased the Well along with its fittings in 1922 and must examine the question of ownership from another angle. Did the Well ever belong to the Government of India or has it all along been the property of Madras and if it ever belonged to the Government of India did it ever pass to Madras.

5. In the papers at (D) - (G.O.No. 3609.W., Public Works, dated 14-11-1888) the following passage occurs in a report on the Bellary Cantonment Water Supply by the Executive Engineer Bellary.

> "European Infantry and Royal Artillary--Sources of supply.--The European Infantry Regiment and the two batteries of Artillery are supplied entirely from wells.
>
> 2. Artesian well for drinking water.--Of these the principal is the artesian well, which supplies all the European troops with excellent water for drinking and cooking purposes. The water is raised in a môt by bullocks in the usual manner.
>
> The lift is about 60 feet. A masonry conduit runs from the well to two dip wells in the European Infantry lines, and from these water is distributed by puckallies".

The Executive Engineer suggested that the water from the Artesian Well should be pumped up and conveyed in pipes to the barracks. This with the rest of the Executive Engineer's proposals was referred by Government to a Committee. There is no further information in the papers in

this file about the fate of the above proposals. It however appears that the well in question is the same as the one referred to in ~~another~~ this file and that it must have been used for the purposes of the Military Department from prior to 1888. Apparently the Central Government must have permitted the Imperial Government to use the well for the Prisoners of War Camp in 1917. The distinction between Provincial and Central property was not regularly drawn prior to 1921: but eventually the Secretary of State laid down rules of which the main principle was that the Government of India had a right to remain in undisputed possession of any land in its occupation in any Province on 1-4-1921 so long as such occupation is necessary for the effective discharge of its duties and if a Local Government were of opinion that land so occupied was not required for the effective discharge of the duties of the Government of India it might apply for the return of the land on payment of some part of its value.

The question is therefore whether on 1-4-1921 the Government of India was in occupation of the well for the effective discharge of its duties. The well was in a Cantonment. It had from before 1888 been used for troops in cantonment and in 1917 for Prisoners of War. There is no information in the file as to what use was made of the well when the Prisoners of War Camp was closed. This Government did not take it over until 1922.

6. It might however be argued that after the Madras Government purchased the pumping

plant they alone could use the well and that therefore any claim to ownership by the Central Government based on use for their purposes must abate from that time. This argument is unfortunately weakened by the fact that the supply from the Artesian Well continued to be used by the troops for some years after 1922. In November 1923 the Collector reported "The troops need ten thousand gallons a day. That can be supplied from the so called artesian well. But when the Fort Ditch runs dry ..... the Alipuram Jail will need another source of supply. The Jail authorities have purchased the well supply and are legally entitled to use the artesian well. If they did that, there would be no water for the troops". In an inspection note of November 1923 the Chief Engineer stated "the water of the artesian well is being pumped up solely for the use of the troops and a few houses in the Cantonment.....and will have to be kept for the troops". The Jail was supplied "with 5 gallons per head per day of indifferent quality from the Fort Ditch". In December 1924 the Superintendent of the Jail reported "the Military claim that they own all water in and out of Cantonment". This same Superintendent (Greenwood who actually put through the purchase in 1922) further reported "The whole of the pumping plant and pipe system was purchased by the Jail from the Disposals Board in 1922. The Military authorities own no right in this plant and if we refuse to ~~pay~~ pump for them their position becomes untenable. The well is not owned by the Jail as Government suggest, but only the pumping plant". The Superintenent, however, although he denied ownership by the Jail

Department did not accept the claim to the Military ownership. In December 1924 he wrote

"1. The existing water supply of Bellary Cantonment is as follows:--

a. The artesian well.
b. The Fort Ditch.
c. The Alipuram Tank.

These are claimed to be Military property but their title to all three is very doubtful. The well was constructed some centuries ago by a pious lady of Bellary and the Alipuram tank was constructed as a famine work some 60 years ago".

The Government have however already admitted the ownership of the Central Government in respect of items (b) and (c). In 1925 the Madras Government installed a supply system from the Alipuram Tank and it was agreed that so long as the troops were given a supply satisfactory in quantity and quality from this new supply, the Artesian Well might be used by the Central Jail. This agreement was ratified by the Government of Madras. Whether the Central Jail used the artesian well or not is doubtful in view of the statement of the Superintendent of the Jail that up to August 1929 (it) was set apart entirely for the use of the troops.

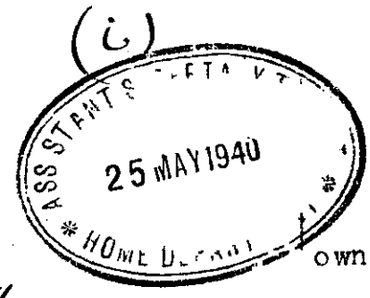
7. Subsequent to August 1929, however, the well seems not to have been used for purposes of the Central Government but as this Government did not make any application for its return and even included the well in the list of properties in Bellary belonging to the Government of India it would seem that it continued to be the property of the Government of India according to the Secretary of State's Rules which were in force prior to the coming into effect

of the Gov rnment of India Act. The Gov-rnment of Indi Defence Department claim that the D fence Department Notification No.236 dated 1-4-1937 in which His Excellency the Governor General in Council has certified that all unsold military properties at Bellary have been ~~released~~ retained temporarily for the purpose of more advantageous disposal applies to this artesion well also.

For the reasons discussed above this claim must I think be admitted.

K/

Rev. No. 2560DG/38-20
21. 5 40



HOME DEPARTMENT.

This file relates to the establishment of the ownership and the purchase from the Government of India, if the Provincial Government are not the owners, of the following sources of water supply to the jails in Bellary:-

(1) the Alipuram tank
(2) the Fort ditch
(3) the Artesian well.

A site plan showing the position of the above sources of water supply is at page 7 c.f.

Item ((1) above - Alipuram tank:

In 1936. the M.E.O., Madras circle, included this property and the structures thereon in the list of

61

-2-

list of military properties available for disposal in the Madras presidency. This Government informed him that the tank had been transferred to them (Madras Government) in 1922, that it was not military property and that it was not available for disposal. In their letter dated 3-5-1938, the Govt. of India, however, contended that this property belonged to them as it had not been included in the properties sold to the Provincial Govt. in 1922 for a sum of Rs.25,000/- and enquired whether the Govt. of Madras wished to acquire it. The question of establishing the ownership of the property was therefore taken up. On a report from the Collector of Bellary obtained thougn the Board of Revenue the matter was examined and the Govt. finally agreed that the ownership in the tank vested in the Central Government and that it was not among the properties purchased from the Govt. of India in 1922. The Board was then asked to report the "present" market value of the tank and the structures thereon. Their report is at pages 80-82 c.f. The value of the tank and structures was estimated to be Rs.13,892/2/- and this is the amount that will have to be paid to the Govt. of India if the property is to be taken up by this Govt. unless the present market value is to be ascertained. The Rev. dept. have enquired of this department whether the Govt. of India may be addressed for the transfer of the property to this Govt. on the payment of the above sum.

This dept. has already recognised the need for this tank to the Jail dept. as it is a source of water supply to Jails in Bellary. Paras 2-3 of the E.E's report on page 41 of G.O. No.1600, Home, dated 23-3-39 obtained in another connection sets out the extent to which the tank serves as a source of water supply to

to Jails in Bellary. In the circumstances, this dept. may suggest the purchase of the tank (and structures) from the Govt. of India on payment of the sum referred to ~~above~~ at X on page 61 ante.

Item (2) -- The Fort Ditch.

On the suggestion of the C I. of Certified schools, the question of establishing the ownership of this source of water supply also was taken up by Government. The Boards' remarks were invited in respect of this source also. On an examination of the report received, it was agreed by the Govt. that excepting an extent of about 1 acre transfered to this Govt. in 1931, the rest of the Fort ditch vested in the Central Govt. It has however, been proposed not to take over the portion of the ditch vesting in the Central Govt. as it is considered that there would be no risk of any private party trying to pump all the water from the ditch and this dept. has agreed to the proposal.

Item (3) -- the Artesian well:

This property was sold by the Govt. of India to ~~one~~ Mr. Ingle who, in 1938, gave a notice to the Supdt., J.C. school, Bellary to the effect that he had taken over the well with effect from 18-4-1938 but that he would allow the school to use it "for a month or so" until he made further arrangements for the use of the water. The ownership of the well was disputed by the Jail dept. and hence arose the question of establishing its ownership. The Board of Revenue forwarded a report in the matter from the Collector of Bellary who, after a detailed investigation, came to the conclusion that the Artesian well had been sold by the Govt. of India to this Govt. in 1922. The Govt. of India were accordingly

(3)

addressed, stating that the well vested in this government and requesting that they would be pleased to cancel the sale of the well to Mr. Ingle, which appeared to have been made under a mistake of fact. The Govt. of India did not, however, agree to the claim of this Govt. to this well and have refused to cancel the sale of the well made by the M.E.O. to Mr. Ingle. The contention of the Central Govt. has once again been examined in detail by the Rev. dept. who at the end have proposed to admit the claim of the Govt. of India to the Artesian well -- vide Rev dept office note on pages 51-54 ante and Rev. Secretary's note on pages 54-60 ante. particularly para 7 (on pp 59-60 ante). This dept. may also agree that the property belongs to the Central Government.

The Rev. Dept. have stated that, if the well is required for the Jail dept., it will have to be acquired from Mr. Ingle who has purchased it from the Govt. of India for Rs.400/- For the importance of this source of water supply to the jails in Bellary, please see paras 4-5 of the E.E's report on pages 41-42 of G.O. 1600 Home d. 23-3-39. As the old Alipuram Jail buildings are now put into use to accommodate Satyagrahi prisoners (some of them have been released) and after their release, ~~it is proposed~~ to open a senior section or an additional J.C. school there, it seems desirable to acquire this source of water supply by Government. In the circumstances this department may suggest that the property may be acquired from Mr. Ingle for the use of the Jail department. In the result items (1) and (3) may be purchased.

With these remarks, the file may be passed on to P.W. and Fin. departments.

KRP 15/1/42

This must do. The examination of the accounts for these issues of supply with reference to reports

15/1/42.

15/1

pp 54-64 ante
pp 13-14 ante
pp 65-116 ante
Vide pp 47-60 ante
K on p 60 ante
M on p 53 ante
cf 'T' on 1
(TT)
cf p 60 ante [shown in the
through 'C' section.

of 1939 is hopelessly out of date. We have had many leaks in the various sources of water supply at the Sanatorium and since it was opened. None of these have been reported to why is the section dealing with the water of C, & why has the section made no attempt to detail the position since the tank was opened.

Home (C) Dept.

This file starts with the Defence Dept's letter on page 1 CF. The ownership of the following sources of water supply of the jails and the Certified School at Bellary is discussed in this file:-

(a) the Alipuram tank

(b) the Fort Ditch

(c) the artesian well.

The plan at page 7 CF shows the location of the above sources. Item (C) ~~has been~~ was sold by the Govt of India to Mr Engle in 1938. Mr Engle has given notice to the Civil Dept not to use water from the well. The Govt of India have stated that the indenture in regard to the sale of the well to Mr Engle has been registered. The Revenue Dept have suggested that the claim must be admitted. The ownership of the central Govt is

other two items has been admitted by this Govt. Z on p 59 ante.

2 It has now to be considered whether
one or more of the above three sources of water supply
should be purchased for the use of the Jail Dept.
The question is examined below.

3 The Alipuram Jail in which
Moplah Rebellion prisoners were kept was abolished in 1933.
A portion of the building previously used as jail was subsequently
utilised as a Junior Certificate School. The other portion of the
buildings which had fallen into disrepair were repaired
and the Alipuram jail was reopened in December 1940
for the confinement of long term ~~convicts~~ prisoners convicted
under the Govt. of India rules. At present, there are also in a separate
portion of
the jail (blocks 3, 4, 5 & 8) ordinary convicts sentenced by
Courts in Chittoor and Cuddapah Districts. Almost
all the jails in the Province are over-crowded. Recently,
this Govt agreed to take about 1000 prisoners belonging
to other Provinces to the Alipuram jail. The Govt of India
have stated that for the present this may not be necessary.
Adviser 3 has noted in another connection that it may
be necessary for this Govt to ~~take~~ accommodate
Japanese prisoners in the Alipuram jail. Even in normal
conditions the buildings are also used for a Senior Certificate School and a Short Term School. (Vide Jail Adm. in another)

4 For drinking and culinary purposes,
municipal water is used. For bathing and washing
purposes, water in the Alipuram tank is mostly used. Hy 7-8 of 1941 4392 4 W W (W1).
In 1941, municipal water supply was fairly satisfactory Para 8 on p 28 ante
and there was no failure of ~~the~~ tank water supply.
But this cannot* be said of every year. * See M on p 57 ante

5. The Alipuram Tank

This tank has two sources of supply, one from its own catchment and the other through the supply channel from the hill stream. When once the tank is filled, there will be copious supply for one full year. For particulars about this tank, please see paras 8 – 10 of the Sanitary Engineer's letter on pages 8-9 of Go. No 4392 Home J 4 & 41 and also the statement on page 10 of that Go. Though the tank may normally ~~fail~~ a good supply of water, the supply occasionally fails. The Govt of India enquired in May 938 whether this Govt wishes to acquire the Alipuram tank. In para 1 of the letter on p57 cf, this Govt admitting that the tank was the property of the Central Govt stated that a further communication would be sent on the question whether the tank is required for the use of this Govt. In this Dept's note at B on page 22 ante, it was proposed to ask for the transfer of the tank from the Govt of India. This was before the Alipuram jail was reopened. Still that the need is ~~at the~~ greater now. With regard to the Rev. Dept's note at A on p 48 ante, it is felt that that Dept may be requested to address the Govt of India for the transfer to this Govt of the tank and the structures on it

6. The Tar Ditch.

In January last, the Sanitary Engineer reported as follows:-

"This is only a small ditch about ½ furlong in length and 100 ft wide at the foot of the hill, with mainly the slope of the hill as the catchment. This cannot be depended upon as a permanent source of supply."

Y on p 8 ante (W1).

The ditch dries up in the average dry season. The water in the ditch is polluted. For the reasons at A on page 19 ante, the Revenue Dept suggested that the ditch need not be taken over from the Govt of India, and this Dept agreed. ~~Since then~~ ~~and seen fit any need to reopen the matter~~. ~~The artesian well~~. (Dr Delmar Lash, Adviser (Mr Austin) expressed the view that both Alipuram Tank and the foot ditch must be preserved in case of failure of municipal supply. A similar view was expressed by the D.G also. Please see memo of the Dy this reply on pp 38-39 of file 4392 dated 4.10.41 with regard to the decision at Z on p 111 of that file. Please also see the reference of the C.E on p 50, his reply on pp 74-76 and the C.S's note on p 123 of that file. For orders whether the previous decision at A on p 19 and C on p 22 ante may stand.

J on p 75 (this file)
K on p 76 (this file)
K
C on p 2 ante.
X on p 85 ante (W1).
* M on p 29 this file.
(W1).

7 The artesian well.

This has a copious supply of water. The Govt of India sold it to Mr Lyle. It appears that he has sold it to the St John Convent School authorities. Revenue have suggested that the well may be acquired from the private party. In view of the considerations in para 3 on page 65 ante, it is submitted that

F on p 4 ante, 42 & 3 Sett & on p 44 ante (TT).
L on p 8 ante (W1)
M on p 53 F

it seems desirable to acquire this source of water supply for which reason this Dept may suggest the acquisition of the artesian well.

2. The file may be returned to Revenue Branch P.W.D. for info.

3.2.42.

We may agree to purchase of the tank - artesian well.

31/1

A | If it is clear that we require the tank and
B | do not require to
first obtain. What I
can find is description
of area and the
necessity of the water
for irrigation purposes.
C | The present I.S. may
be asked to report,
and to say clearly
how much irrigation
(there are 4 wells) or
at present watered

3/2

10 FEB 1942

Memo. No. 15336 C/38-33 Revenue Branch
9.2.42
Rs 650/-
10.2.42

Draft memo. enclosed. Revenue may see after mine.

4/2/42
3.2.42

*[Memo I. 336 C/38-33 Revenue dt 6.2.42.]

4/2

Rev (after [illegible])

Rev Dept

The file deals with the question of the ownership of the Central Govt in the following sources of water supply in Bellary

(1) Hyderain tank
(2) Fort ditch
(3) Koteeain Well

It is agreed that items (1) & (2) belong to the Central Govt. Home wish to purchase item (1). If so we can address the G of I on the point without waiting for decision on item (3) if Home, P.W. & Fin have no objection

A

As for item (3) Home agree with Rev that it belongs to the Central Govt & are enquiring if it is needed by the Jail Dept

B

× filling up of

Home

Home Dept.

Please see the Secretary's note on pp 68 ante, memo of the D of I on pp 104-105 C.F. ante & the Revenue Dept note above.

Per. Co. & No. 2560 Dy/38-35
10/2/1942

ASSISTANT SECRETARY TO GOVERNMENT
11 FEB 1942
HOME DEPARTMENT

A above.

For orders whether ~~Central Govt~~ this Dept ~~need not object~~ may agree to the course suggested by Revenue.

85103 C
11.2.42

C

Bam p69 ante

The artesian well belonged to the Central Govt at the time it was ceded to a foreign power in 1938. The question of acquiring it may be considered after the Govt's reply to the memo is received P.W.D and the file may be passed on to Finance

pm 11.2.42

P.W. Fin.

Home. ms. 15336 C/38-35

14.2.42

16 FEB 342

696

I.N.D.

Submitted that this deptt. need not object to the proposal at 'A' on p.69 ante which has been agreed to by Home - Vide 'C' on p.69 ante. The file may be passed on to Finance

17.2.42

17.2.42

17 2 42

Fin.

17.2.42

18.2.42

1 1942

P.W. no. N. 696 C/42-1

18.2.42

Finance (Accounts) Dept.

(Previous finance notes on pp 24-26 and 28 ante)

The case relates to the ownership of the Central Govt. in the following sources of water supply in Bellary:-

(1) Alipuram tank.

(2) Fort ditch.

(3) Artesian well.

Item (1) above. The ownership of the Central Government in this item has already been admitted. The Home Department propose that it may be purchased from the Central Government, as it is required for water supply to the Alipuram Jail. The Revenue

Ans. p.28 ante

Ans. p.8 ante

Dept. propose to address the Govt. of India in the matter. The market value of the land covered by the tank (175.21 acres) is reported to be Rs 1,752 while the value of the structures which will have to be paid to the Govt. of India is said to be Rs 12,140. A total amount of 13,892 will thus have to be paid to the Govt. of India for the property. (The Board has reported that this Govt. have so far spent a sum of Rs 1,44,270 for improvements to the tank. The structures referred to at 'A' above do not include any portion of these improvements.)

Finance may agree to the purchase of the tank. The expenditure will presumably be incurred next year and it will have to be debited to "28.Jails and Convict Settlements - a.Jails - iii. Central Jails." No provision has been made for the expenditure in the budget for the current year or next year. The proposal will therefore have to be treated as a scheme of new expenditure not contemplated in the budget. The Revenue Dept may be requested to circulate the case to A.1 and H.E before addressing the Govt. of India.

Funds will have to be provided in the course of next year by reappropriation if savings become available and by obtaining a supplementary estimate of expenditure.

Item(2) Fort Ditch. Please see para 3 of this department note on p.25 ante. It is considered unnecessary to take this over from the Govt. of India - see 'K' on p.67 ante and 'B' on p.68 ante. No remarks are called for in Finance.

Item(3) Artesian well. The question of ownership of this well has been dealt with in the notes of the Revenue Dept on pp.49-60 ante. It has been suggested that the Madras Govt's claim to this well may be dropped for the reasons stated. Finance may agree with this view.

The question has been raised whether the well is required now for the use of the Jail dept. With reference to Home Secretary's note at 'C' on p. 68 ante, the I.G. of Prisons has been asked to express a definite opinion as to whether or not there is any necessity for the well to be acquired for Jail purposes - pl. see memo on pp.104-105 C.F. No remarks are

called for on this point now.

Revenue Department.

The file deals with the question of the ownership of the Central Government in the following sources of water supply in Bellary.

(1) Alipuram tank

(2) Fort Ditch

(3) Artesian Well No 2.

The notes from page 46 may be read but the following note summarizes the position.

Item (1) - Alipuram Tank.

It is agreed that this belongs to the Central Government and we have already informed the Central Government of this at page 57 c.f. ~~and we~~ Home wish to purchase it. The market value of the land covered by the tank (175.21 acres) is Rs.1,752 (one thousand seven hundred and fifty two) and a sum of Rs.12,140 (twelve thousand one hundred and forty) being the present value of structures erected by the Government of India will have to be paid to them in addition, making a total of Rs.13,892 (thirteen thousand eight hundred and ninety two). The Board reports that this Government have spent Rs.1,44,270 (one lakh forty four thousand two hundred and seventy) on improving the tank in addition to the structures put up by the Government of India. The Central Government's rights in the tank may be purchased for Rs.13,892 (thirteen thousand eight hundred and ninety two).

Home, P.W. and Finance agree to tnis.

Item (2): Fort Ditch:

It is agreed that this belongs to the Central Government. Home do not wish to take it over. We may inform the Central Government accordingly.

Item (3): Artesian Well:

It is agreed that this belonged to the Central Government. It was sold by that Government to a private party. If this Government want it, it will have to be acquired under the Land Acquisition Act. Home are asking the I.G. of Prisons if he requires it. In the meantime we may tell the Central Government that we do not press our claim to it.

Draft for approval

5/3 6.3.

5

Circ. 6.3.42

A1 6/3/42

A3 6/3/42

[Letter No. 2560 D(S)/38-36, d. 7-3-42] p 106-f

From the Govt of India (Def. dept) Letter No 5880-L.R/4 9/17.8.42

M.E.O, Letter No. 5/16/395/M.C 9/28.8.42

To OS.

Please see the Letter of the Govt of India at pp 106-107 C.f. and this Reply at p 110 C.f. The Govt of India have sanctioned the transfer of the Alipuram tank at Bellary to this Govt at a total cost of Rs 13,892.

2. Attention is invited to this Fin dept.

notes at p 71 Cf. It will be seen that no provision has been made for the expenditure in the budget for this year and that the proposal will have the breadth as a scheme of new expenditure not contemplated in the budget. As the acquisition of the Alipuram Tank is for the supply of water for the Alipuram jail at Bellary Home may be requested (with reference to 'A' above at page 71 ante) take the necessary action. ~~After funds are provided Home may be asked to return the file to this dept for further action~~

UNDER SECRETARY TO GOVERNMENT
4 - SEP 1942
HOME DEPT.

To
31/8/42
O.K.
31/8/42

A.G.P.
2.9.42

Home

21975 C
4-9-42
Rev.o. 2828/42-1
2-9-42

Rev.o. 2560 C/42
28-40
2-9-42

Home Deptt.

This file deals with the purchase from the Govt of India of the Alipuram Tank at Bellary, which is one of the sources of water supply to the Alipuram Jail and Juvenile certified schools at Bellary. The Govt of India have sanctioned the transfer of the Alipuram Tank to this Govt at a total cost of Rs. 13,892. This file has been sent to this dept for taking action in regard to the provision of funds. Vide finance note at p 71 and Rev. note above.

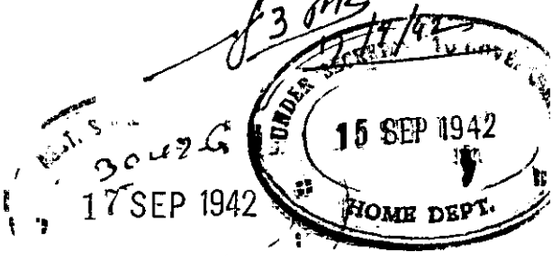
Before a supplementary grant is to be made, the F. D. has to be ~~addressed~~ consulted as to whether the expenditure can be met

nets from the funds grant by re-appropriation. Separate action will be taken in this deptt and extracts have been taken for the purpose. The file may be returned to Revenue.

12/9/42.

13/9/42 Rev FD.

12.9.42



Rev dept. Home no 2197SC-1

15-9-42

To OS.

Please see the notes of this dept from p 72 ante and the Home dept note above. Separate action is being taken in that dept for the provision of funds for the purchase from the Govt of India of the Alipuram tank at Bellary at a cost of Rs 13,892/-. A copy of the letter from the Govt of India at p 110 cf may be communicated to the Board of Rev. ~~and the Board may~~ (as soon as funds are provided the ~~sale amount will be credited~~ credited to the old Main head "VIII - M.E.S - Receipts, Sub-head E - Receipts from the sale of surplus Military Lands and Buildings" ~~and to submit draft sale deed in respect of transaction~~ ~~funds are provided~~. A draft order is submitted for approval.

Finance

[A.C.B.E will be made under 15.2.1943 to watch the receipt of intimation from the Home dept regarding the provision of necessary funds and the draft sale deed from the Board of Rev].

Ro 16/9/42 PK. 21/9/42

CBE-III/ver 15.2.43

22.9.42

C.F.